

THE BARDON PAPERS
DOCUMENTS RELATING TO THE IMPRISONMENT
AND TRIAL OF MARY QUEEN OF SCOTS

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THE IMPRISONMENT &
TRIAL OF MARY
QUEEN OF SCOTS

EDITED FOR THE ROYAL HISTORICAL SOCIETY

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WITH A PREFATORY NOTE BY

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CONTENTS

PREFACE	ix
INTRODUCTION.	xiii
I. A SUMMARY OF CHARGES MADE BY PARLIAMENT AGAINST MARY STUART. May 1572	1
II. INSTRUCTIONS GIVEN TO THE LORD DE LA WARR AND OTHERS SENT TO MARY STUART, TOGETHER WITH HER PROTESTATION TO THEM. June 11 and 16, 1572	5
III. CHARGES BROUGHT AGAINST ELIZABETH BY MARY STUART IN HER LETTERS. April 6, 1583	9
IV. FAVORS SHOWN TO MARY STUART BY ELIZABETH. April 6, 1583.	12
V. OFFERS MADE TO ELIZABETH BY THE QUEEN OF SCOTS FOR HER LIBERATION, TOGETHER WITH SIR CHRISTOPHER HATTON'S ARGUMENTS AGAINST LIBERATING HER. April 21, 1583 . . .	17
VI. SIR CHRISTOPHER HATTON'S NOTES CONCERNING SCOTLAND. May 16, 1584	21
VII. SIR CHRISTOPHER HATTON'S ARGUMENTS IN FAVOUR OF LIBER- ATING MARY STUART. September 22, 1584	22
VIII. CONSIDERATIONS FOR ELIZABETH'S SAFETY. December 1584? .	25
IX. CORRESPONDENCE BETWEEN MARY STUART AND ANTHONY BABINGTON. June-August, 1586	26
X. SIX LETTERS FROM LORD BURGHEY TO SIR CHRISTOPHER HATTON. September, 1586.	42
XI. SIR CHRISTOPHER HATTON'S NOTES ON THE BABINGTON PLOT. September, 1586	52

XII.	SERGEANT PUCKERING'S NOTES ON THE CASE AGAINST MARY STUART. September 29, 1586	53
XIII.	SIR AMIAS POULET TO SECRETARY WALSINGHAM. October, 1586.	64
XIV.	CHARGES MADE AGAINST MARY STUART. 1586.	66
XV.	CHARGES OF DOUBLE DEALING AGAINST MARY STUART AND HER FRIENDS. November, 1586	74
XVI.	CHARGES AGAINST MARY STUART. November, 1586	77
XVII.	BRIEF NOTES OF EVIDENCE AGAINST MARY STUART. November, 1586	81
XVIII.	SIR CHRISTOPHER HATTON'S BRIEF OF THE CASE AGAINST THE QUEEN OF SCOTS. November 3, 1586	82
XIX.	ARGUMENTS URGING THE EXECUTION OF MARY STUART. 1586-87.	93
XX.	THE SCOTTISH QUEEN AND HER ALLIES. 1587 ?	95
XXI.	AN APOLOGY FOR CERTAIN PASSAGES IN HOLINGSHEAD. 1586. 97	
XXII.	AN EXTRACT OF A LETTER FROM [RICHARD DOUGLAS] TO ARCHIBALD DOUGLAS. September 22, 1587	99
XXIII.	A LIST OF PAPERS RELATING TO MARY STUART. 1587	102
XXIV.	A STATEMENT BY THE LORD CHANCELLOR OF SCOTLAND UPON THE SUBJECT OF AN ANGLO-SCOTTISH ALLIANCE. September 10, 1588	103
XXV.	SIR CHRISTOPHER HATTON'S BRIEF FOR AN ARGUMENT URGING THE DEFENCE OF THE REALM. February 4, 1588/9 ?]	107
APPENDIX I.	A PETITION PRESENTED TO QUEEN ELIZABETH BY PARLIAMENT, URGING HER TO DEBAR MARY STUART FROM THE SUCCESSION TO THE ENGLISH CROWN. May, 1572.	113
APPENDIX II.	SECRETARY WALSINGHAM'S NOTES UPON CERTAIN OFFERS MADE BY MARY STUART. April 21, 1583.	128
APPENDIX III.	MARY STUART'S LETTER TO BABINGTON. July 17, 1586.	129

PREFACE

In the autumn in 1905, I paid a visit to the British Museum for the purpose of hunting up a bundle of MSS., which had been discovered by a Mr William Leigh in 1834, in the house which had been the home of my wife's ancestors for about 300 years, near Watchet in Western Somerset. In connection with these, I was aware of family traditions concerning this ancient house, of the window of an attic (in which the MSS. were found) being constantly broken by a white dove, which disappeared, never to return, after the papers were removed ; of a former Mr Robert Leigh, who was in possession of Bardon in 1595, being seen and heard driving down the drive at midnight carrying a head under his arm ; of an old lady with white hair and wearing a black silk dress of an antique fashion appearing in the passages after dark ; and many others of a similar nature, which had aroused my interest in the vicissitudes of this collection.

It was, therefore, with great satisfaction that, after some search, I found the Papers that I was seeking amongst the Egerton MSS. numbered 2124 in the Catalogue ; and from my examination of them I concluded that they were decidedly of considerable historical importance.

Upon a further search being made in the Museum Library, it appeared that, although extracts might have been taken from them, yet as a whole they had not been printed, nor even critically dealt with.

This being the case, the MSS. were forthwith transcribed under my supervision, and at the suggestion of my friend General Sir Charles Warren, himself a Fellow of the Royal Historical Society, my transcript was brought before the notice of the Council of the

Society, with the result that I was invited to read a Paper on the subject in December 1907. ¹

An abbreviated report of this Paper appears in the *Transactions* for 1908. Third Series. Vol. 2.

Following this announcement of my discovery, a proposal was made for the publication of the complete text of the Papers, and I had much pleasure in placing my transcripts at the disposal of the Council for this purpose, more especially as I was aware that they would be prepared for publication by such a competent Editor as Dr Conyers Read of Oxford and Harvard Universities.

To return to the subject of the discovery of the MSS. in the year 1834 at Bardon House in the parish of St Decuman, Somerset, where they had been stowed away in an attic amongst a mass of other documents, the accumulation of over two centuries—

Bardon is a 15th century house, of one story only, above a low pitched ground floor, and built of cob ; in plan something like the letter E, with picturesque roofs and gables, surrounded by about 70 acres of land and by trees which are reputed to be several hundreds of years old. The house lies in a secluded spot not far from the old Cistercian Abbey of St Mary at Cleeve, and about midway between Williton, Watchet and Washford, though nearer to this last named village.

Mr William Leigh, the owner in 1834, was quite unable to account for documents of such historical importance being found in a house so remote from the stirring transactions with which their dates connect them.

It will be observed that the MSS. range from 1572 to 1588 ; it would seem, therefore, that they were written shortly before the Leighs came into possession of Bardon. The endorsement on the bundle containing them—" Concerning the Q, of Scottes "—was in

¹ For a detailed account of the discovery of these MSS. I must refer readers to a small quarto pamphlet issued by me in 1907 and published by J. T. Savage of Chatham Street, Ramsgate, entitled " The Bardon Papers, a collection of Contemporary Documents (MS. Eg. 2124) relating to the Trial of Mary, Queen of Scots. 1586."

the handwriting of a Mr Robert Leigh who died in 1720, and therefore we may assume that they had remained at Bardon since that date, but how long before it is impossible now to ascertain.

Three theories, however, may be suggested for further consideration.

1st. That the MSS. came into the official possession of John Scudamore, a Clerk of the Council under Queen Elizabeth, and passed from him to a certain Robert Scudamore who was Godfather to Robert Leigh of Bardon in 1596, and thence to the Leighs.

2nd. From the Throckmortons to the Leighs. The former had property at Molland, and the Leighs acted for them as stewards or land agents.

3rd. That they were sent to Bardon inadvertently with other papers ; or were deposited there by some later antiquary.

All these theories appear to me to be inadequate, but until something more definite is discovered, the exact channel of transmission must remain in obscurity.

Upon the death of Mr William Leigh in 1844, these MSS. were placed on one side until the year 1870, when his daughter sold them to the British Museum, thinking that documents of such historical interest should be placed for security in the National Collection.

It is now seventy-five years since these papers were first restored to the light of day ; during the first half of this period they were in private hands, and therefore their contents were known only to a few. By the action of the Royal Historical Society the matter contained in them, together with critical and historical notes throughout, will now be available to all students of this obscure and contentious period of our history.

C. C.

November 1909.

INTRODUCTION

The Bardon Papers here printed concern themselves almost entirely with the relations between Queen Elizabeth and Mary Stuart after she became a virtual prisoner in England in the year 1568. They are miscellaneous in character, including letters, instructions, abstracts of state papers and other brief memoranda of one sort or another, some few in the original, the greater number in contemporary copies. The first paper in the collection, chronologically speaking, is a summary of certain charges made in the English parliament against Mary in May, 1572; almost the last paper has to do with the effects of her execution upon the relations between England and Scotland. Between these two extreme points the other papers scatter themselves, being most numerous for the three years 1572, 1583 and 1586 when the relations between Mary and her English gaolers were of a particularly critical nature.

Most of the Bardon Papers show signs of having belonged at one time to Sir Christopher Hatton, or at any rate of having passed through his hands. Hatton is generally thought of as one of Elizabeth's favourites, whom she loved to dance with and call pet names and who wrote letters to her full of the most absurd and the most obviously insincere flattery. But Hatton played a more serious part in English political life than that and was, if never a brilliant, at least a hard-working public servant. Elizabeth made him her Vice Chamberlain in 1578, and nine years later her Lord Chancellor. He sat in Parliament for over twenty years and took an active part in the business of legislation. After 1578 he became the recognized mouthpiece of the Queen in the House of Com-

mons. As such it fell to his lot to declare to that body the royal wishes in regard to the captive Scottish Queen at such times as her case came up for consideration.

It is highly probable that the majority of the papers here printed were collected by Hatton in order to prepare a speech which he made in the parliament specially summoned to take measures concerning Mary in 1586. In that speech he summarized the whole case for the government against her, setting forth not only the particular charges upon which she was tried, but also the numerous other offences against Elizabeth and against England which had at various times been urged against her.¹ It cannot be said that he presented a strictly historical view of the case. He was evidently restricted many ways by political considerations of one sort or another, and biased by a strong spirit of partisanship. Nevertheless, the materials which he gathered together and the notes which he drafted upon the basis of them furnish useful information for an understanding of the attitude of the English government towards her and throw considerable light upon the ultimate reasons for her unhappy fate. From this point of view it will be appropriate to consider them.

The first charge against Mary which is set forth in these Bardon papers is that she has arrogated to herself the title of Queen of England.² This charge harks back to the year 1559, just after Elizabeth, upon the death of her sister, had mounted the English throne. At that time Mary was the wife of the dauphin of France and in her own right Queen of Scotland. Her friends argued that by the death of Mary Tudor she became *de jure* Queen of England as well. They maintained that as the direct descendent of Margaret Tudor, the sister of Henry VIII, she was with the possible exception of Elizabeth the next in line to the English crown and they proceeded to invalidate Elizabeth's title by declaring that she had been born out of lawful wedlock and so had no right to the

¹ I conceive Document XVIII printed on page 82 seq. to be Hatton's notes for this speech.

² Cf. Document I, p. 1.

succession. Upon these grounds, by order of Henry II, King of France, Mary was proclaimed in Paris Queen of England and Ireland, and she assumed at once the style and the arms of the English crown. It is easy to exaggerate the importance of this proclamation. Henry II, who was technically at war with Elizabeth at the time, launched it as a war measure and had obviously little intention of lending it any serious support. He was in fact already making secret advances to Elizabeth for peace upon terms which tacitly acknowledged her to be rightful Queen of England. Nevertheless the proclamation, though in itself of comparatively little moment, gave formal expression to the fundamental fact which lay at the root of all subsequent difficulties between Elizabeth and her rival. Mary's supporters based her title to the English throne upon the grounds that Elizabeth was a bastard, submitting the decision of the Pope of Rome in support of their claim. Elizabeth's supporters, on the other hand, maintained that she was the legitimate daughter of Henry VIII and as such was rightful Queen of England. They denied that the Pope's decision in any way affected this fact. In a word, the question of the validity of Mary's title depended upon the larger question of the spiritual supremacy of the Roman pontiff. The ultimate issue between the two queens was the issue of the English Reformation. Mary by reason of her birth and her own religious convictions was the Roman Catholic candidate for the English throne; Elizabeth, for precisely the same reason, was the Protestant candidate. The rivalry between them was at bottom merely one phase of the larger rivalry between the forces of Protestantism and Roman Catholicism in Europe.

Had the Catholic monarchs of Europe been entirely governed in their actions by religious considerations the logical outcome of this situation would have been that they would one and all have denied Elizabeth's right to the English throne and would have joined to advance Mary's title. Against a combination of the Catholic King of Spain and the Christian King of France, supported by the spiritual thunders of the Pope, Elizabeth would have had a

poor chance of maintaining herself. As a matter of fact such a combination, though always possible, never came very near realization. The national rivalries between France and Spain were stronger than their common interest, either in the cause of Mary Stuart or in the larger cause of the Catholic religion. This state of affairs constituted Elizabeth's chief safeguard and she knew how to foster it with skill. Nevertheless the combination of France and Spain in support of her rivals' claims always remained a possible menace to her safety, and both Mary herself and her friends put forth every effort to bring it to pass.

In 1559 it looked for a time as though Mary's cause would become identified not only with the interests of the Roman church but also with the foreign policy of France. Henry II died in July of that year and his eldest son, Francis, Mary's husband, mounted the French throne. Francis II was too much of a weakling both in mind and body to be a king in anything more than name. From the outset his policy was completely dominated by his wife and her uncles of Guise. They of course were strongly in favour of applying the whole power of France in support of Mary's English claims. Had occasion served they very likely would have done so. But fortunately for Elizabeth, France was exhausted by a half century of almost unintermitted war with the Habsburgs and her energies distracted by serious internal disorders. Under these circumstances any aggressive foreign policy was for the moment practically impossible. Mary and her uncles were forced to bide their time and by so doing lost their opportunity. After a reign of a little more than a year, Francis II died and his mother, Catherine de Medicis, laid hands upon the reins of government in France. Catherine was chiefly interested in strengthening her own power and was no wise disposed to submit to the domination of the Guises nor to undertake a war with England in furtherance of the ambitions of their niece. Consequently Mary's cause soon ceased to be a factor of any importance in French politics. After spending about a year in France in something like retirement she determined, upon the advice of her friends to go to Scotland in order to see if she could

reestablish her waning power there. On the fourteenth of August 1561 she took ship at Calais and five days later landed at Leith.

So far as concerned England this move upon Mary's part, though doubtless inevitable, was distinctly menacing. While she had tarried in France her Scottish subjects had been striking shrewd blows at her power and influence. With the assistance of Elizabeth they had driven the French troops out of Scotland and quite upset the spiritual domination of the Roman church. They had become Protestant, vigorously Protestant, and they had come to regard the French as their enemies and the English as their friends. This state of affairs was of course distinctly favourable to Elizabeth and so long as it continued her interests in the north were safe. But the French Catholic party in Scotland, though defeated and greatly weakened, was by no means dead. Mary's arrival threatened to call it to vigorous life again, for whatever she professed to the contrary, there was little doubt in any one's mind that she meant to recover Scotland for Catholicism if she could and to draw it into line with Elizabeth's other enemies on the continent. This at any rate was the assumption of Elizabeth's Protestant councillors, and they proceeded to work against Mary in Scotland by the recognized Elizabethan method of lending aid and encouragement to her rebellious Protestant subjects. In this manner they counter-checked her hostile purposes very effectually and might easily have accomplished her complete destruction had it not been for the interference of the Queen of England herself.

Elizabeth's attitude towards Mary is a difficult matter to define. It perplexed the English councillors almost as much as it does modern commentators. Like most sovereigns of her time she had a very high idea of the royal state. She was a firm believer in the divine right of kings, and she recognized no power in subjects to examine or criticize the acts of their sovereign. On these grounds she hesitated to proceed against Mary in such wise as to call her own political theories into question or to establish a precedent which might some day be used against herself. On the other hand she recognized clearly enough that Mary was a dangerous and

persistent enemy who ought to be rendered innocuous if possible. These two points of view were practically irreconcilable. It cannot be said that Elizabeth tried to reconcile them. But she passed with surprising facility from one to her other, striking covert blows at Mary when she was strong and going to her assistance when she was weak. Years afterwards Mary charged her with giving aid and comfort to the Scottish rebels.¹ The charge was just, but she could reply with equal justice that she had been Mary's good friend at a time when her rebellious subjects had all but destroyed her.² Those who maintain that Elizabeth's vacillating attitude in this regard constituted a definite well calculated policy must admit that it was a very tortuous one and that it deceived her councillors as well as her enemies. The probabilities are that this so-called policy was nothing more than the expression of a certain eccentricity in her own temperament. She had a provoking way of seeing the advantages of one course of action the moment she had decided upon the one diametrically opposed. Never perhaps in the whole course of her reign did she put her hand resolutely to the plough and follow it through to the end of the furrow. She preferred to stop every little while and to examine the soil she had turned and then, as like as not, to retrace her steps and try her best to make all smooth again. Fortunately her most trusted councillors were men of another stamp, but they found the problems which they were called upon to solve, and especially the problem of Mary Stuart, complicated a hundredfold by the habitual indecision of their queen.

For something more than seven years Mary maintained a precarious position as Queen of Scotland. It will not be necessary to follow in detail the course of her troubled reign. Unlike her rival she was never from the beginning in sympathy with the aspirations of the sturdiest elements among her own people, and they were never deceived into believing that she was. Out of such a condition of affairs trouble was bound to develop, and it did develop in a

¹ Cf. Document III, p. 9.

² Cf. Document IV, p. 12.

form which cast grave discredit upon Mary not only as a sovereign but also as a woman. Her second husband, Lord Darnley, was murdered under circumstances which gave ample room for the belief that she herself had had a hand in his destruction. Her rebellious Protestant subjects were not slow to accuse her of the crime, and she on her part was unwise enough to lend credit to their accusation by a marriage, under some show of compulsion, with the man whom everybody believed to have been Darnley's murderer. Civil war broke out, Mary's followers melted away, she was taken captive and forced to resign her throne in favour of her young son (July 24, 1567). About a year later she succeeded in effecting her escape from the castle where she was confined and with the assistance of the powerful house of Hamilton in making head once more against the Protestant party. The Battle of Langside which ensued (May 13) ended in her total defeat. She fled from the field. After a fruitless effort to gain Dumbarton, where she might have taken ship for France, she turned her horse's head southward. Three days hard riding brought her to the Solway, which she crossed in a boat and on the 16th of May, 1568, landed upon the shores of England.

It was a bold move upon Mary's part and it embarrassed Elizabeth not a little. She was faced at once with the consequences of her own double dealing. Mary reminded her of her proffers of friendship and on the basis of them asked for English assistance against her rebels. This was one side of the case. It fell in with Elizabeth's own ideas about the divine right of kings. On the other side was the prospect of alienating and weakening the Scottish Protestant party which it was manifestly to her interests to maintain. Once more she hesitated between the two courses, finally pitching upon a way out of the dilemma which satisfied herself, if it satisfied neither Mary nor the Earl of Moray, her opponent. Elizabeth in fact decided to sit in judgment upon Mary's case or rather, as she chose to put it, to hear what the Scottish rebels had to say in justification of their treatment of their anointed queen. She induced Mary to submit to this solution of the problem by intimat-

ing to her that if she were proved innocent of the charges brought against her she would be restored. She secured Moray's assent by intimating to him that if Mary were proved guilty she would receive no assistance from England. Upon these terms both parties agreed to lay their case before Elizabeth and she appointed a commission to hear their evidence.

Space does not serve to enter into the details of the proceedings of this commission which assembled at York in the summer of 1568, and which terminated its conferences at Hampton Court early in the next year. The question which it was called upon to consider was that of Mary's implication in the murder of her husband. Moray sent commissioners from Scotland to present his case. Mary herself was well represented by William Maitland of Lethington, by John Leslie, Bishop of Ross, and by some others. There is reason to believe that after she had been made aware of the evidence which was to be produced against her she exerted herself, or at least the commissioners exerted themselves, to stay the proceedings.¹ Whether she was actually guilty of the charges her enemies advanced is a more difficult question to answer. Such evidence as is at hand rather points to the fact that she was, but so many people at the time were interested in distorting the evidence one way or another that it is not easy to say how much credibility should be given to it.² At any rate Elizabeth allowed the commission to come to no decision, and the net result of it all was that Mary was neither cleared of the charges against her nor was Moray's attitude justified. Two facts however were made fairly clear,—first, that Moray was not for the present to be interfered with in his government of Scotland; second, that Mary, whether she liked it or not, was for the present to remain in England.

Such was the situation at the beginning of the year 1569. Mary

¹ Cf. Document IV, p. 15, n. 2.

² A whole library of books has been written upon this subject one way or the other. Mary's latest defender, Mr. Andrew Lang (*The Mystery of Mary Stuart*) has been well answered by Mr. T.E. Henderson in his recent biography of Mary Stuart (cf. particularly Vol. II., Appendix A.).

having thrusted herself upon Elizabeth as a guest was invited to tarry as a prisoner. This was the sum and substance of the matter, however courteous and respectful and hospitable her gaolers carried themselves. Mary herself realized it clearly enough, so did William Cecil and his colleagues in the Council. The only person in England who seems to have cherished serious doubts upon this point was Elizabeth herself. She insisted upon maintaining the farce that Mary was her guest. She maintained it with more or less success for some sixteen years to come. Mary was allowed to keep about her a retinue of over thirty persons and to support something like a royal state. Her dignity was preserved and with certain limitations her personal liberty unrestricted. The inevitable consequence of this policy was that while on the one hand the fact of her imprisonment aroused all her resentment and her desire for revenge, on the other hand she was not kept fast enough to render her innocuous. Under the circumstances it was practically impossible to prevent her from plotting against her rival. Plot she did, both with discontented Englishmen at home and with the enemies of England abroad. Indeed the story of her life from this time forward is little more, politically speaking, than the story of her various unsuccessful efforts to effect her escape and to take her revenge.

It might have been supposed, *a priori*, that with Mary's imprisonment in England the dangers to be anticipated from her would cease. Her influence in France was diminishing day by day, her power in Scotland broken. The Catholic powers, even the Pope himself, had allowed Elizabeth to sit for ten years upon the throne of England without raising a finger to disturb her. The prospect of any considerable demonstration in support of Mary's English claims appeared to be very remote, if not altogether visionary. But Elizabeth's position was not by any means so secure as it appeared to be. The situation abroad favoured her for the moment, but there were elements at work within the borders of England itself which were distinctly menacing. A considerable proportion if not the actual majority of her subjects were Roman

Catholic sympathizers. Elizabeth had for years kept down their discontent under her Protestant regime by dealing very leniently with their religious nonconformity and by holding out to them vague hopes of her conversion to the old faith. But as time wore on they began to observe that her policy was becoming more and more pronouncedly Protestant. In proportion as this fact became apparent, their discontent increased. They saw themselves faced with the alternatives of disloyalty to their sovereign or disloyalty to their faith. A great many, when the pinch came, adopted the philosophy of the Vicar of Bray. A great many more managed to dodge the issue. There was, however, a considerable element left who were determined to maintain their faith and if necessary to fight for it. This element was not only strong numerically, it was strong also by virtue of the fact that many of the old nobility, the natural leaders of the people, were included in its ranks. Some of them were to be found even in the Privy Council itself.

To these militant Catholics the arrival of Mary in England was a matter of considerable moment. The most zealous of them secretly regarded her as their rightful queen. Even those who were not disposed to question Elizabeth's present title saw in Mary the undoubted heir-presumptive to the Crown, about whom they might organize their strength and assert their rights. She had scarcely crossed the borders into England before they began to flock to her from all quarters to pay their respects, intending probably no disloyalty to their sovereign but revealing an attitude towards her rival which presaged ill for the future.

Mary herself was more than willing to play the part which they had cast for her. Whatever her motive had been for fleeing into England in the first place, the friendliness of her reception by the Catholic gentlemen in the north set ambitious projects working in her mind. She observed that the English Catholics were strong and that they were discontented. She saw the opportunity of uniting her cause with theirs. In January 1569, when she had been less than five months in England, she informed the Spanish ambassador at London that, if his master would assist her, she

would be mistress of the realm in three months and would lead it back to Catholicism.¹ Probably she exaggerated her chances with a view to impressing the King of Spain, but whether she did so or not she plainly realized that she had a chance, and she made it abundantly clear that she meant to turn it to her advantage when occasion served.

This fact was made manifest in the so-called First Norfolk Plot. Thomas, Duke of Norfolk, a prominent member of Elizabeth's Privy Council, was the first peer of the realm. He was nominally a Protestant, but was well known to be strongly Catholic in his sympathies. In fact he was looked upon by the Catholics at large as the virtual leader of their cause. Naturally he regarded with growing disfavour the increasingly Protestant attitude which Elizabeth was taking in her conduct of domestic and foreign affairs. He attributed her evil courses to the advice of her Principal Secretary, William Cecil, whom he despised as a mere commoner. Elizabeth herself, he felt sure, if divorced from Cecil's pernicious influence might be won over to a policy more consonant with his own religious and political ideas. Accordingly Norfolk took council with other noblemen who shared his views to destroy Cecil's power and to establish his own. He contemplated also a marriage with Mary Stuart, with the intent to join her strength with his and to assert her claim to the presumptive succession to the English throne. For the moment his schemes seem to have looked no further. He evidently expected to substitute his own influence and the influence of his friends for Cecil's without any considerable opposition from Elizabeth herself or from the nation at large. The more vigorous elements in his party were fully resolved to appeal to arms if they could not achieve their purposes otherwise, but Norfolk himself did not favour violent measures. He easily won Mary Stuart's assent to his arrangements. A little while before she had resolutely refused to renounce her third husband, the Earl of Bothwell. Now, though still a wife, she listened with equanimity to Norfolk's proposals, and even tried to

¹ Cal. Spanish Papers, 1568-1579, p. 97.

give some flavour of romance to his cold courtship by writing him affectionate letters. Indeed, there is good reason to believe that the project of marriage itself had originated with one of her own advisors.¹

Norfolk's plot came to nothing. He was temperamentally unfitted for any daring enterprise. At the critical moment his heart failed him; he fled from court, was ordered upon his allegiance to return, and terminated his share in the adventure in prison. His bolder friends in the north thereupon mustered their forces and broke out in open rebellion. They were repressed almost without fighting. The end of the business, for the moment at least, was a triumphal vindication of Cecil and his party.

Mary Stuart no doubt took an active part in this First Norfolk Plot.² It is not easy to say what her ulterior motive was for so doing. Possibly she aimed at nothing more than an honorable position in England and a frank recognition of her presumptive title to the English crown, although her correspondence with the Spanish ambassador at the time would seem to point to more ambitious purposes. The significant fact is that within a year after her arrival in England she was committing herself to a secret alliance with a dangerous faction within the realm. Her connection with this plot, even if we assume that it was innocent enough in itself, established a relation between her and the discontented English Catholics which formed the basis for all the more dangerous plots in which she partook later on.

This became apparent within two years after the northern rebellion had ended in disaster. Norfolk, though his party was greatly weakened, had not yet reached the end of his rope. After a brief imprisonment in the Tower he was released in August 1570 and he began at once to consider new plans for himself, his promised bride and the Catholic faith. These took form in the so-called Ridolfi Plot, which contemplated an invasion of England by Spanish forces and a general rebellion of the English Catholics

¹ Henderson, *Mary Stuart*, Vol. II, p. 527.

² There is abundant proof of this in the Correspondence of the Spanish ambassador. Cf. *Cal. Spanish Papers* 1568-79, p. 198, et al.

for the purpose of restoring Catholicism and setting Mary upon the English throne with Norfolk as her husband beside her. It was directed against Elizabeth herself and, for the Englishmen engaged, was high treason,—nothing less. Probably the plot did not originate with Norfolk. He seems in fact to have been drawn into it with some reluctance. The moving spirits were the Spanish ambassador and the Bishop of Ross, Mary's agent in London. Mary herself was in it heart and soul. She was cast to be the chief gainer in the event of success, and she worked as hard as the limitations of her imprisonment permitted to bring it to pass. A large share of the responsibility for the plot may fairly be laid upon her shoulders.¹

Like its predecessor it came in turn to nothing. Cecil's suspicions were aroused. He set spies upon the Spanish ambassador, laid hands upon one of Ross's servants, intercepted some important letters, and by little and little unravelled every detail of the matter. His revelations brought up at once the question of dealing with the conspirators. Elizabeth with some reluctance consented to the trial of Norfolk for high treason. He was found guilty and paid the penalty for his part in the plot on Tower Hill in June 1572. She consented also to the summary dismissal of the Spanish ambassador. But she could not make up her mind how to deal with Mary Stuart. The evidence against Mary was strong enough and although she made a stout denial,² her complicity was un-

¹ The inner history of this conspiracy can best be studied in the Correspondence of the Spanish ambassador. (Cal. Spanish Papers 1568-79, *passim*.) Mary's instructions to Robert Ridolfi, the Italian merchant, who was sent abroad to solicit the aid of the king of Spain and the Pope, are printed in Labanoff, *Lettres de Marie Stuart*, iii, pp. 221-52.

² Through the kindness of Mr. John Murray I have had sight of an interesting letter in his private collection written by Mary in her own hand to La Mothe Fénelon, the French ambassador in London, on the 8th of September, 1571. In this letter Mary denies absolutely that she had ever sought to stir up rebellion in England or that Ridolfi ever had any commission from her to solicit aid abroad. A fair idea of her regard for the truth may be gathered by a comparison of this letter with her letter of instructions to Ridolfi printed by Labanoff.

doubted. The English privy councillors were satisfied upon that point.¹ If they had cherished any doubts upon the subject before they were now convinced that Mary's presence in England was every way a menace to the welfare of their sovereign. They proposed to bring her to trial for her sins, intending to make her pay as grim a penalty as Norfolk himself had done. Walsingham expressed their views in a letter which he wrote from Paris. "So long as that devilish woman lives," he wrote, "neither her Majesty must make account to continue in quiet possession of her crown, nor her faithful servants assure themselves of safety of their lives."² Parliament was in substantial agreement. Both Houses joined to petition Elizabeth that the Queen of Scots be "summarily dealt with," or failing that, that she be formally deprived of her rights of succession.³ But Elizabeth opposed such extreme measures. She went so far as to send commissioners to Mary with instructions to demand her answers to the charges which had been made against her,⁴ but it soon became evident that she meant to go no further, at least not in any direct line.

Elizabeth stood practically alone at this juncture between Mary and Protestant England. This is a fact which deserves emphasis, not because it reflects any particular credit upon the Queen herself, but because it helps to explain many apparent inconsistencies in the attitude of her government towards Mary subsequently. The English Parliament, the English Privy Council and loyal Englishmen at large recognized in her an enemy who lacked only the means to destroy themselves, their sovereign and their faith, and were agreed that the shortest and best way with her was to set her head upon London Bridge where it might nod a solemn warning to all intending traitors.⁵ Theirs would have been on the

¹ Cf. Document I, p. 4, n. 1.

² Cal. Foreign Papers 1572-4, p. 93.

³ Cf. Appendix I, p. 113.

⁴ Cf. Document II, p. 5.

⁵ The Bishop of London expressed this view in a terse and vigorous letter to Lord Burghley which is printed in Wright, *Queen Elizabeth*, i, 438.

whole the more merciful course and England would have been saved many a perilous passage if Elizabeth had let them have their way. But she would have none of it. Instead, she proposed to keep the "bosom serpent" a prisoner, not in the secure confinement of the Tower, but behind the garden walls of a nobleman's country place whence she might encourage discontented Englishmen at home to rebel and ambitious potentates abroad to invade. The Privy Council could not choose but accept this alternative and make those aforesaid garden walls as strong as might be.

This was the problem which faced them during the remaining fourteen years of Mary's life. They kept as close a watch upon her as the whimsicalities of their sovereign would permit, but they never succeeded in isolating her completely from her conspiring friends. Year after year she corresponded with them through secret channels, working ceaselessly to secure her release, unseat her rival and place herself upon the English throne.

Space does not serve to describe in detail the various conspiracies in which she became involved.¹ They followed in the main the course marked out by the Ridolfi Plot. Each one in turn contemplated a domestic uprising of the English Catholics and an invasion by a Catholic army from abroad. Some of them got so far as the devising of ways and means, others never proceeded beyond the expression of good intentions. In some of them Mary played a conscious and an active part, in others she was less directly concerned, but in every one of them her cause was the mark at which the plotters always professed to be shooting. It is not the purpose of this introduction to determine the exact measure of her responsibility for these plots nor to justify, nor to judge her. It is rather intended to discover her connection with them and to point out its bearing upon the development of the case for the English government against her.

The first of these plots, after Norfolk had paid the penalty of his treason, centres around the name of Don John of Austria. Don

¹ An excellent short account of them will be found in Kretschmar, *Invasionsprojekte der katholischen Mächte gegen England* (Leipsig, 1902).

John, in the year 1577, being named Governor of the Low Countries, dreamed of crossing the Channel, dethroning Elizabeth, releasing Mary, marrying her and mounting the throne of England beside her.¹ His scheme was a feasible one, and had it not been for the "drunken Flemings," as he called them, it might have succeeded. As it was he had his hands too full of troubles in the Netherlands to undertake crusades across the Narrow Seas. He was harassed by petty difficulties, distracted by interminable debates, outreached by his "drunken Flemings," and after a very bad year of it, died a disappointed man.

When Queen Elizabeth had learned of his plans from certain letters which had been intercepted in France, one of the first things she had done was to order that Mary Stuart should be "more narrowly looked to." In consequence of this order Mary's liberty had for a time been somewhat restricted.² She was not, however, either then or subsequently, directly accused of complicity in Don John's schemes, and she does not indeed seem to have been cognizant of them until they had been practically abandoned.³ Nevertheless, the part she had been assigned to play in them, even though it lacked her endorsement, certainly emphasized the fact that her presence in England was a menace and no doubt tended to increase the hostility of the English government towards her.

Don John's death in the autumn of 1578 put an end for a time to all projects of invasion in Mary's behalf from the Low Countries. Other schemes however were already afoot which developed during the next two years into more or less definite plans of attack upon England from the west, through Ireland. The first of these originated with Thomas Stukeley, a picturesque adventurer who entered Elizabeth's service as a gentleman pirate and quitted it as

¹ Don John had discussed this project with Philip II in Spain and had received secret instructions from him as to the proper course of procedure. These instructions are printed in Kervyn de Lettenhove, *Relations politiques des Pays-Bas et de l'Angleterre*, ix, p. 15.

² Cf. Mary to the Archbishop of Glasgow, 18 March 1577, in Labanoff iv, 363.

³ Cf. Mary to Glasgow, cited above.

a rebel against her government in Ireland. He knew that the majority of Irishmen were discontented under the double yoke of English rule and English Protestantism, and his idea was to land a foreign army in Ireland strong enough to overcome the English forces stationed there, then, with Ireland as a base, to proceed against England itself. He went to Rome and laid his plans before the Pope who approved of them and gave him enough money to equip some half a dozen small ships. With these under his command Stukely boldly set forth for Ireland in January 1578. He never reached his destination. Stopping at Portugal, he was induced by the young king to join a hare-brained crusade against Africa and lost his life at the battle of Alcazar. His project however was not abandoned. Another Irish refugee, Fitzmaurice, appeared to take his place. Philip of Spain was drawn into the scheme and a second expedition prepared. It was too pitifully small to accomplish anything. The Pope was poor, Philip too much engrossed in the affairs of Portugal and the Low Countries to lend effective aid. A few troops were landed in Ireland in July 1579, but they were easily destroyed before they could be reinforced. A third attempt in the following year, so insignificant as hardly to deserve serious consideration, met with the same fate. With its destruction the Catholic powers abandoned for the time any serious intention of striking at England from the west.¹

Here again, as in the case of Don John's plot, Mary Stuart was only very indirectly concerned. Had Stukeley's plans against Ireland been realized she would no doubt have reaped an ultimate advantage. As it was, they were thwarted before they had developed far enough even to identify her place in them. She can in no wise be held responsible for the Irish expeditions, yet they had their bearing upon the attitude of the government towards her. For whether she was directly concerned in them or not, she certainly represented in her own person the principles in support of which they had been directed. Every formidable

¹ Father J.H. Pollen has published an excellent short account of these Irish expeditions in *The Month* for January, 1903.

assertion of these principles emphasized anew the danger of harbouring her in England.

Even before the Pope and his confederates had abandoned their projects against Ireland, they had begun to threaten Elizabeth from another quarter. A cloud had arisen, the size of a man's hand, upon the northern horizon, and Elizabeth's councillors saw it grow and darken with considerable apprehension. For some half a dozen years the Earl of Morton had been regent in Scotland. He was a staunch Protestant in his policy if not in his creed, he represented the faction in Scotland which had always looked to England for support, and on the whole was accounted by the English government a safe man. But in the late summer of 1579 a young man arrived in Scotland from France who threatened to shake Morton's position to the foundation. This was Esmé Stuart, Seigneur d'Aubigny, the French claimant to the title and estates of the late earl of Lennox. D'Aubigny was a Catholic, a protégé of the duke of Guise and, to all appearance, an enthusiastic sympathizer in the cause of Mary Stuart. Being an attractive young fellow of engaging manners, he easily won his way into the affections of the young Scottish king and acquired an influence over him with a rapidity which to the English privy councillors was as alarming as it was amazing. They feared that Scotland through d'Aubigny's instrumentality would be won over to the ranks of Elizabeth's enemies and be made to serve as a gateway for the passage of Catholic armies into England. It seemed as though their fears were to be realized when d'Aubigny in less than two years completely overturned Morton's power and sent that stern man, Elizabeth's strongest friend in Scotland, to the block.

The events which followed this *coup d'état* are much too complicated to be traced here in detail. No doubt the Catholic powers abroad, the Catholic faction in Scotland and Mary Stuart and her friends in England were all eager to take advantage of the situation, but they had great difficulty in coming to any decision as to the proper course to be pursued. It was agreed that a foreign army should invade England from the north, but disputes at once

arose as to the command of the army, as to its size, and particularly as to its pay. The Pope, the duke of Guise, the king of Spain, and d'Aubigny had different ideas upon these points. Mary Stuart introduced another jarring note into the discord by proposing that she should be associated with her son upon the Scottish throne, and that he should be sent out of Scotland into some Catholic country where he might be purged of his heresies and removed from the baneful influence of her enemies. D'Aubigny, whose position depended entirely upon his personal influence with the young king, would not hear of such a course. Had time served all these differences might have been arranged. As it was, while the confederates were lingering over their negotiations, they lost their great opportunity. In August 1582 the Protestant party in Scotland, with the assistance of Elizabeth, organized their strength, laid hands upon the person of their sovereign and forced d'Aubigny into retirement.¹

D'Aubigny's fall destroyed perhaps the best chance Mary ever had of realizing her hopes. It discouraged her friends and for the time being completely upset their plans. It did not, however, by any means terminate their efforts in her behalf. Her cousin, the duke of Guise, working in concert with her friends among the English Catholic refugees in France, continued to conspire for her release with as much enthusiasm as ever. Early in the year 1583 he had two projects under consideration, one for removing Mary's rival by assassination, the other for an invasion of England in conjunction with an uprising among the English Catholics after the orthodox plan. The connection between these two projects is not quite clear but it was probably intended to take advantage of the inevitable disorder consequent upon Elizabeth's murder, to throw a foreign army into England and to arouse the Catholics in Mary's behalf in very much the same fashion as was afterwards con-

¹ Kretschmar's account of the projects against England which centred around the figure of d'Aubigny is excellent. T. F. Knox in his introduction to the "Letters and Memorials of Cardinal Allen" has revealed the important part which the English Jesuits played in these projects.

templated by Anthony Babington and his confederates. The assassination plot, though endorsed by the Papal nuncio in France, fell through,¹ but the duke of Guise continued to push forward his project of joint invasion and insurrection. This took form in the so-called Throgmorton Plot, which had developed so far by the midsummer of 1583 that Guise sent Charles Paget, an influential English Catholic, into England to arrange for the landing of a Guisan army upon the south coast and for a simultaneous uprising among his Catholic brethren.²

Among others in England Paget dealt with Francis Throgmorton, a young man of good family who was secretly a Catholic and an ardent follower of Mary Stuart. Unhappily for the conspirators Secretary Walsingham, the watch-dog-in-chief of the English government, had had Throgmorton under surveillance for some time.³ He had been discovered to be haunting the house of the French ambassador, and though nothing was certainly known about his purposes, Walsingham thought well, in November 1583, to order his arrest. He was arrested. A search among his papers revealed matters of a treasonable nature. Protesting his innocence he was put to the rack, and though he remained steadfast at first, in the end he confessed everything he knew.

¹ Father Pollen has set forth the details of this assassination plot in an article on Mary Stuart published in *The Month* for September 1907.

² The instructions given by the duke of Guise to Paget are printed in *Cal. Spanish Papers*, 1580-86, pp. 506.

³ One of Walsingham's secret agents who called himself Henri Fagot had been set to spy upon the French ambassador at London. In April 1583, Fagot wrote to Walsingham in very bad French, "*La grande fauteurs de la royne d'escosse est le Sieur Froquemorton et le milord Henry Howard et ils ne vienent jamais raporte chose d'icelle que la nuict.*" This letter is in the English Record Office (S.P. Mary, Q. of S. xx, no. 61). It was written six months before Throgmorton's apprehension.

⁴ Walsingham wrote to Thomas Wilkes who was assisting in Throgmorton's examination, on the 18th of November, 1583, "I have seen as resolute men as Throgmorton stoop, notwithstanding the great show he hath made of Roman resolution. I suppose the grief of the last torture will suffice, without any extremity of racking, to make him more conformable than he hath hitherto

Throgmorton did not know everything, but he knew enough to reveal the main outlines of the plot which goes by his name and to expose the chief conspirators. His confession put an end to the Guisan project of invasion and broke the back of what might have been a formidable uprising among the English Catholics. It brought forward once more the question of dealing with Mary Stuart. There can be no doubt, and there was none at all in the minds of Elizabeth's councillors, that she had been deeply implicated in the plots against their queen which had been under consideration during the two years past in Scotland and in France. They had ample proof of that. A number of her letters had been intercepted,¹ one of her agents in Scotland had been taken and forced to confess,² Throgmorton himself had admitted that he was in constant correspondence with her.³ Already her complicity in the designs of the Duke of Norfolk had been established. The parts assigned to her in Don John's schemes and in the Irish expeditions had been recognized. And now she was discovered to be engaged in other more dangerous plots against the welfare of Elizabeth and of England. The case against her was strong, too strong to be gainsaid. What then?

The obvious course with her, as it appeared to Protestant England, was the one which had been advocated when her complicity in the Ridolfi Plot had been revealed,—that is to say, to put

shown himself." (Record Office. S.P. Domestic clxiii, no. 65.) The next day Throgmorton confessed.

¹ Cf. among others, Mary's letter to Glasgow of September 10th, 1582 in which she reveals her knowledge of the schemes of d'Aubigny (Labanoff, v, p. 308) and her letter to the French ambassador of the 26th of February 1583/4 in which she bids him assure Throgmorton that she will never forget his great suffering in her cause (Labanoff, v, p. 424), both of which fell into Walsingham's hands.

² This was George Douglas. He was primarily the agent of d'Aubigny but he was of service to Mary as well. His confession is preserved in the Record Office (S.P. Scotland, xxx, no. 38).

³ Cf. the official narrative of the Throgmorton conspiracy printed in the Harleian Miscellany, Vol. iii (1808).

her to her trial for high treason. But Elizabeth would not hear of it. Secretary Walsingham suggested that she be shut up so fast that she would have no chance to indulge in further plotting.¹ This plan also received the royal veto. It was then proposed to send her out of England. Such a course had its dangers, but it would at least deprive her of her sentimental appeal as a prisoner to the sympathies of the tender hearted, and would interrupt her underhand dealings with discontented factions within the realm. Walsingham and Hatton, both very influential members of the Privy Council, presented arguments advocating this solution of the problem.² Elizabeth herself seemed for the moment to favour it and in the spring of 1584 resumed negotiations which had previously been opened with Mary for her release.

For some months these negotiations dragged their slow length along. Mary, having resolved to gain her liberty by diplomacy if she could, made very large offers. She promised to recognize Elizabeth's present title to the English throne, to maintain a close alliance with her, to make no attempt to change the religion in Scotland and to obtain from her friends and allies ample security of the sincerity of her intentions. In fact she promised everything, answering for her son as well as for herself with a confidence which James was not likely to justify.³ But for all her large offers, the negotiations came in the end to nothing. Perhaps they were never sincerely meant on Elizabeth's part. At any rate they demonstrated the fact that she could no more decide to take this course with her prisoner than any other definite one.

Mary appears to have escaped any immediate consequence of her undoubted share in the schemes of d'Aubigny and in the Throg-

¹ Cf. Walsingham to Burghley, 16 November 1582, in the British Museum (Caligula, C. vii. f. 72).

² Hatton's arguments are printed below (Document VII p. 21). Walsingham's will be found written out in his own hand in the Record Office (S.P. Mary Q. of S. xi, n. 74). Cf. also Walsingham's letter to Robert Bowes, of June 12th, 1583, in the British Museum (Caligula, C. vii, f. 209).

³ Cf. Document V (a), p. 17.

morton plot which followed it. She was not brought to trial, she does not even seem at the time to have been formally charged.¹ Nevertheless her complicity in all those matters certainly strengthened the case of her enemies against her and no doubt had a distinct influence in effecting a marked change in her estate which was made in the next year.

For some time Secretary Walsingham had been insisting upon the fact that so long as Mary continued to enjoy the degree of liberty which was accorded to her while in the care of the Earl of Shrewsbury, it was practically impossible to prevent her from plotting almost at will. Shrewsbury for his part was heartily tired of playing the polite gaoler. While Walsingham on the one hand was urging his removal, he on the other hand was suing for his release.² Elizabeth had long turned a deaf ear to them both but now, with the revelations of Throgmorton before her eyes, she was disposed to take another course, to abandon the out worn farce of entertaining Mary as a guest and to treat her henceforth as a dangerous prisoner. In August 1584 she consented to allow Shrewsbury to leave his charge for a time and to come to court, appointing substitute keepers to take his place during his absence. It is not necessary to assume, as one contemporary writer assumed, that in taking this step Elizabeth any way questioned Shrewsbury's integrity.³ He was a great noble with large interests at stake. As such Elizabeth had called upon him to serve in an anomalous capacity, somewhere between host and gaoler, to the woman who

¹ In Sergeant Puckering's brief of the case against Mary Stuart (Document XII p. 53) it will be observed that he charges her with complicity in the Throgmorton Plot. It is however somewhat curious to find that neither Puckering nor Hatton make any mention of her share in d'Aubigny's schemes although it must have been well known to Hatton at least.

² Upon Walsingham's attitude towards Shrewsbury cf. *Cal. Spanish Papers* 1580-86, p. 301. Shrewsbury's desire to relinquish his charge arose in large measure from private difficulties with his wife and from scandals which had been circulated about his personal relations with his prisoner (Henderson II, p. 583).

³ Cf. Document XXI, p. 97.

might some day be his sovereign. Very likely he did as well as the ambiguous character of his position would permit. Under the circumstances he could hardly have kept Mary with the rigor which her enemies demanded. There is no shadow of proof that he was ever, for a moment, disloyal to his trust. And yet the considerations which had recommended him for the part of pseudo-host disqualified him for that of gaoler in the more precise sense of the term. It was perfectly natural that when Elizabeth contemplated a more rigorous treatment of her prisoner she could have introduced her change of policy by a change of keeper. These were probably the public considerations which brought about Shrewsbury's summons to court in 1584. He was courteously entertained there, his petition to be removed from his charge was favourably received and it looked as though Elizabeth would shortly appoint another man in his place. But once again she hesitated to take such a definite step. She did not take it indeed until the next year (1585). Perhaps she would not have taken it even then had it not been for the discovery of another plot against her life early in that year.

The so-called Parry Plot professed to be a scheme devised by Dr. William Parry and Thomas Morgan, Mary Stuart's agent in Paris, to murder Elizabeth. It is not easy to get to the real bottom of it. Parry, when taken, admitted the charge, but urged in his defence that he had been acting as a secret agent of the government to discover the sentiments of the English Catholics by proposing to them fictitious plots against the Queen's life. No doubt he had been in the secret service not very long before the discovery of his conspiracy, but it is probable that he acted without any warrant in this particular instance.¹ At all events, he suffered death as a high traitor. There is no reason to believe that Mary herself had anything directly to do with the affair. She was never charged with having. There was however some evidence to prove that Morgan, her agent, had been implicated in it from the

¹ Cf. the life of Parry in the Dict. National Biography (first edition) xliii, 387 and Father Pollen's account of the Parry Plot in *The Month* for April, 1907.

first, and Elizabeth was very bitter against her for retaining him in her service after the evidence against him was revealed.¹ The matter, so far as it concerned Mary, might have been passed over without further result, had it not occurred just at the time when Elizabeth was seriously considering the necessity of assuming a more rigorous attitude towards her prisoner. As it was, it finally decided her to release Shrewsbury from his charge and to appoint in his place a man of a different character, a commoner and a Puritan, who was thoroughly in sympathy with the views of Mary's enemies. This man was Sir Amias Poulet, lieutenant-governor of Jersey, sometime ambassador to the court of France. He assumed charge of Mary in 1585. At his first interview with her he told her plainly that he did not mean to be diverted from his duty "for hope of gain, for fear of loss or for any other respect whatsoever,"² and he kept his word.

It was not very long before Poulet had demonstrated to Mary the real import of her change of keepers. Without unnecessary harshness he made her feel that she was, in the precise sense of the word, a prisoner. Her train was curtailed, her personal liberty restricted and every channel of access to her from the world outside her prison walls was carefully watched. Henceforth she held practically no correspondence with her friends except by consent of her gaolers.

And now the scene was laid for the last act of her tragedy, in which Secretary Walsingham, in the eyes of her friends, figures as the arch villain. Walsingham from the very outset of his political career had been one of Mary's most determined enemies. By virtue of his office it had fallen to him to unearth one by one the various plots in which she had been implicated, and each new discovery had deepened his conviction that she must be got rid of. After twelve years experience he had come to see that Elizabeth was not to be drawn to take summary measures against her prisoner by the ordinary arguments. He now determined to

¹ This is one of the charges urged against Mary in Document XIV (p. 73).

² Cf. J. Morris. *The Letter-Books of Sir Amias Poulet*, p. 9.

give Mary a chance to work her own destruction, feeling confident that if she were given enough rope she would hang herself. Accordingly, he proceeded to open for her benefit a channel of communication between her and her friends in such wise that he might intercept her correspondence without arousing her suspicions. Poulet, whom he could trust as he never would have trusted Shrewsbury, was ready to second his plans. So the matter, with the help of a certain renegade Catholic named Gilbert Gifford, was arranged.¹

The outcome is well known, although the means by which this outcome was reached is a matter of much dispute. According to the official narrative, Mary's friends in the early spring of 1586 were tempted to conspire once more for her release. They drew a number of ardent young Catholics about the English court, among them Anthony Babington, into their schemes. Foreign invasion and domestic uprising were determined upon as usual. The Queen of England, by the instrumentality of Babington and his friends, was to be assassinated. Mary was to be set free and placed upon the English throne. According again to the official narrative, Babington sent word of these arrangements to the Scottish queen through the channel which Walsingham had provided, she approved them all, promised her cooperation and so by her own letters endorsed and furthered a plot to invade the realm and to murder her rival.

These were, in brief, the charges preferred against Mary at her trial. In support of them the prosecuting attorneys submitted the confessions of Babington and his fellows, the confessions of her secretaries, Claude Nau and Gilbert Curle, and deciphered copies of a large number of her letters to and from her agents and friends.² Among these were the letters which were said to have passed between her and Babington.³

¹ The most accurate account of this arrangement is given by Morris, *op. cit.*

² Puckering's notes (Document XII, p. 53) present with accuracy the case for the government.

³ These letters are all printed below, Document IX, p. 26 seq.

Upon these letters the case against Mary ultimately rested. The confessions of the conspirators and the confessions of the secretaries were merely used to prove the genuineness of them. It is generally admitted by sober writers on both sides the question that Mary actually sent and actually received many of the letters produced against her and that she was cognizant of and acquiescent to the plot for foreign invasion and domestic rebellion in her behalf. It is generally admitted also that she probably had some correspondence with Babington. But Mary's defenders cannot agree that she wrote that letter to Babington, or at least those passages in that letter, in which she endorsed his plot to kill the Queen. They argue that the letter may have been forged or the incriminating passages interpolated by Walsingham's agent, Thomas Phelippes,¹ they discredit the concurring testimony of the conspirators and the secretaries on the grounds that it was given in all cases under constraint and in some cases under torture, and they challenge further proof.

Further proof is not likely to be forthcoming. Indeed it is difficult to see how under the circumstances the government could have presented a stronger case than it did. Mary's defenders have complained that the original of her incriminating letter to Babington was not produced. It is pretty clear that it was not produced for the very good reason that the attorneys for the prosecution could not lay hands upon it. Mary had advised Babington to burn it as soon as he had read it, and there is no good reason to believe that he did not follow her advice.² Lacking it, they made a careful search among Mary's papers for her original draft of the letter. But this also eluded them.³ Curle, the secretary, said it had been destroyed at Mary's own command⁴ and he may have told the truth.

¹ This point is discussed in Appendix III.

² Cf. the last sentence of Mary's letter to Babington of July 17th, printed below p. 40.

³ Morris, p. 284.

⁴ Hardwicke State Papers, i, p. 237.

It is quite true, as Mary's defenders maintain, that the testimony of Babington and his fellows, and that of the secretaries as well, was elicited by some kind of pressure. It ought to be remembered, however, that all these men were some way involved in the plot and were interested in establishing Mary's innocence in order to protect themselves. Under these circumstances they probably would never have given freely any testimony likely to damage her cause. The government did the obvious and natural thing for a sixteenth century government to do when faced by the problem of dealing with taciturn witnesses. In the case of Babington and his fellows it applied torture ; in the case of Nau and Curle it used other arguments,—promises of favour and threats of punishment perhaps,¹—which proved equally effective. In such wise it drew all the available witnesses into line to support its case. No doubt these methods clash with modern ideas of legal procedure, but they were quite in keeping with the ideas of that time. They may have been applied to extort a lie or to extort the truth. Either interpretation is possible. This much however is clear. If the testimony obtained by such methods does not strengthen the case against Mary, it cannot fairly be held to weaken it.

Under the circumstances it would be rash to attempt any definite pronouncement as to Mary's guilt or innocence of the Babington murder plot. The attorneys for the government hardly made out a case against her strong enough to warrant the verdict which was based upon it, and such evidence as has subsequently accumulated, though on the whole it strengthens their case, cannot be said to establish it. On the other hand, Mary's defenders have never satisfactorily proved their contention that she was an innocent victim of the machinations of her enemies. The evidence at hand does not, in fact, completely justify either view of the case.

If one proceeds beyond the evidence and attempts a judgment based upon presumptions and probabilities he is on even less certain ground. It is quite possible to argue, in default of

¹ Cf. Document X (a) p. 42.

absolute proof to the contrary, that Walsingham deliberately fabricated a plot against Mary in order to destroy her. He had ample opportunity for doing so, he was certainly eager to get her out of the way, and he did not hesitate at other times to use unscrupulous methods to obtain his ends. It is equally possible to argue that Mary deliberately conspired to destroy her rival. She had everything to gain by it. Upon two former occasions she had identified herself with plots which practically involved Elizabeth's destruction if they did not provide for it in precise terms. It is not likely, from what is otherwise known of her character, that she would have been deterred by any nice moral scruples. So the case stands, with enough to be said on both sides to allow the individual judge to give sentence according to his sympathies.

It has been argued that the fact of Mary's complicity in the murder plot is after all a matter of little moment since her share in the plot to incite domestic rebellion and to invite foreign invasion was sufficiently well established to justify the outcome of her trial. This is in a sense true but it is not quite to the point. Mary's complicity in plots for rebellion and invasion had been established long before Babington's time and yet she had escaped the consequences which loyal Englishmen had designed for her. Her fate never depended upon the attitude of loyal Englishmen. It was determined by Elizabeth herself and there can be little doubt, in view of Elizabeth's attitude upon former occasions, that the fact that Mary was implicated in a plot against her person, was the fact which really decided that she should be brought to trial.

Once her trial was determined upon and a commission appointed to hear and judge her, her doom was practically sealed. The trial itself, like most trials for high treason at the time, was little more than a farce. Before the commissioners at Fotheringhay Mary was allowed to speak in her own defence and she did so with great courage and great skill. But she was not in any sense given proper facilities to present her case. The commissioners in fact had already examined the evidence against her before they ever went to

Fotheringay¹ and probably had already made up their minds as to the verdict. They gave their sentence for her present execution after a second examination of the evidence in the Star Chamber at London.

The sum and substance of the matter is that Elizabeth's loyal subjects had long ago come to the conclusion that Mary must die, and they merely awaited the consent of their sovereign in order to express their conclusions in the form of a legal sentence. Probably if the case against her in this particular instance had been much weaker than it was the verdict would have been the same. She was specifically tried upon the charge of complicity in the Babington plot to kill the Queen and she was specifically convicted and condemned upon that charge, but the probabilities are that her judges really based their verdict upon her complicity in the Norfolk Plot and the Ridolfi Plot and the d'Aubigny Plot and the Throgmorton Plot as well, and upon their assured conviction that so long as she lived she would never cease in her efforts to compass the destruction of themselves, their sovereign and their faith.

Even after the verdict had been pronounced and the sentence passed, Elizabeth hesitated for a long while before she could agree to Mary's execution. It is well known with what difficulties her councillors had to contend before they could induce her to come to a decision, and how she sought by indirect, crooked ways to dispose of Mary underhand, and how, when the death warrant signed by herself had been executed, she tried to shift the responsibility for it upon the shoulders of her secretary, William Davison. Such delays and devices were quite in keeping with Elizabeth's character and they simply serve as one more proof of her absolute inability to take any straightforward course.

As for Mary, she faced her death as she had faced every issue in her career with an unflinching countenance. Up to the very moment of her passing she never lost her courage or her dignity

¹ This is apparent from Burghley's letter to Walsingham of the 27th of September 1586, which is on exhibition in the Museum at the English Record Office.

or that peculiar feminine charm which made her one of the most fascinating women of her time. Her life had been full of dramatic episodes; the end of it was pure tragedy. It is said that when she laid her face upon the block it was the face of a smiling maiden and that when the executioner lifted her head from the dust it revealed the features of a haggard old woman. If this was so it only goes to prove how completely the soul of the woman had dominated her body, and how much she had striven against in her eighteen years of imprisonment, and how much she had overcome.

Elizabeth was fearful of the consequences of her death. It was for that reason that she had descended to such poor expedients to shirk the responsibility of it. But it soon became evident that Mary's friends had lost interest, if not in her cause at least in her person. The king of France lodged a very feeble protest against her execution. The king of Spain who was at the moment at war with England upon other grounds was probably little influenced by it one way or the other. Elizabeth anticipated trouble from Mary's son, James of Scotland. Some agitation in her behalf was aroused both along the Scottish border and in the Scottish parliament. But James himself took but a languid interest in all these things. He never had shown any real enthusiasm for his mother's cause while she lived and he did nothing to avenge her death after she had died. The year following her execution he was making protestations of friendship towards Elizabeth, and when the coming of the Spanish armada gave him great opportunity he put it aside, not wishing to hazard his title to the succession of the English crown.¹

And so Mary went to her reckoning, creating hardly a ripple upon the surface of European politics to mark her passage. To those who sympathize with her religious convictions she will always appear to have died a martyr. For Mary's cause was at bottom the cause of the Roman church and in her own way she

¹ Cf. Documents XXII, XXIV, pp. 99, 103.

fought hard for it. To those however who believe that it was better for England that Protestantism should triumph in the island, she will appear to have been a very dangerous enemy and her death a necessary expedient for the welfare of their country. Perhaps she never really constituted the menace to the England of Elizabeth that her enemies believed her to be. It is certain however that from the time of her arrival in the land until the year of her death she plotted continually to effect her release and to destroy her rival. The vigilance of her gaolers, the infirmities of her own disposition and above all, the circumstances of European politics prevented these plots from succeeding. But this was not Mary's fault, it was her misfortune. She would have succeeded if she could have shaped the issue according to her own wishes. Her intentions were steadily hostile to the purposes and ideals of the woman and the men who governed England, and upon these grounds they were prepared to justify every measure, good or evil, which they took against her.

NOTE.

The papers here printed include all those found at Bardon House in Somersetshire which were sold to the British Museum in 1870 and are now bound together in the volume catalogued in the Museum as Egerton MSS. 2124. That volume contains also a short printed prospectus of the papers which was issued by Mr W. Leigh in 1836 and three modern lists of them, prepared probably about the same time. These are of little or no value and have consequently not been printed.

In editing the papers the original spelling has been preserved, but capital letters have been omitted except where they would be used according to modern rules, contracted forms, common in the sixteenth century, have been expanded and the punctuation has been modernized. Words underlined in the original have been printed in italics. In cases where obscure abbreviations occur in the original or words necessary to the text have been omitted, or

the manuscript has been damaged, it has been thought desirable, for the sake of clearness, to make additions to the text. All such additions have been enclosed in square brackets.

The papers are printed, as far as possible, in a chronological order according to the old style of dating in use in England at the time. Some of them are dated in the original. For those documents which are not specifically dated an attempt has been made to fix the date by internal evidence. In such cases the conjectured date will be found at the head of the document, enclosed in square brackets. It will be observed that the editor has deviated occasionally from the order in which the originals are at present bound together. His reasons for these deviations will, he hopes, be apparent.

An attempt has also been made in every case to identify the handwriting of the various papers. Those written by Burghley and Hatton have been easily recognized. Practically all the rest are written in different clerkly hands of the period. It has not been found possible to state with accuracy whose were the hands that wrote them. It ought to be observed, however, that practically no two of them proceeded from the same pen.

DOCUMENTS
RELATING TO THE IMPRISONMENT AND
TRIAL OF MARY QUEEN OF SCOTS

I

A SUMMARY OF CHARGES MADE BY PARLIAMENT AGAINST MARY STUART.

[May 1572.]

[Egerton MSS. 2124, ff. 2-3.]

This paper, written in a contemporary hand, contains a brief resumé of the charges made against Mary Stuart in a petition presented to Elizabeth by Parliament in May, 1572. The petition will be found printed in full in Appendix I. It seems probable that this resumé was made for the benefit of Lord de la Warr and his colleagues who were sent to Mary in June 1572 for reasons which will be made clear in Document II.

THE SEVERALL CRIMES, WHEREWITH THE SCOTTISCHE QUEENE IS CHARGED BY THE BILL.

1. That she hathe wickedly and vntruely challenged the present estate and possession of the crowne of Englande, and injuriously vsurped the style and armes of the same. ¹
2. That she did not revoke the said vsurpacion, albeit she wer requested thereunto by her Majesties embassadours, but delayed

¹ A copy of the coat-of-arms assumed by Mary will be found among the Cotton MSS. in the British Museum (Caligula B x, f. 17), endorsed by Cecil, "the fals armes of Scotland, France, England, Julij, 1559" (cf. Cal. Scot. Papers i pp. 235-6).

and refused to ratifie the treatie and conclusion agreed vpon by her comissioners to that effecte. ¹

3. That she hathe practized sundrie wayes to sett forward and aduance the said pretensed clayme and title from tyme to tyme by her ministers and fautours.
4. That she hathe for the aduancement of her said moste vnjuste title and vsurpacion, and for the atchievinge of the same by her Majesties disherizon and destruccion, sowghte by subtile meanes to withdrawe the late Duke of Norfolke from his naturall obedience, and againste her Majesties expresse prohibicion to cowple her selfe in mariage with the said Duke, to thintent that thereby she mighte with greater force attayne and bring to effecte her Majesties deprivacion and destruccion.
5. That she hathe sollicitied the said Duke by her ministers to bring the said mariage to effect with force, and to that ende she stirred and procured the Earles of N[orthumberland] and W[estmorland] with other their confederates to rebell and leaue open warre againste her Majestie.
6. That she hathe practized by her selfe and her ministers, and by the said late Duke of Norfolke, to procure newe rebellion to be raysed within this realme. And for that intent she made choise of one *Ridolphi* a merchaunt of Italie, who, by commission from her, sollicitied the said wicked enterprises to the Pope and other her confederates beyonde the Seas, and procured letters of cumforte to her for the maintenaunce of foraine force to invade this realme.

¹ The efforts of Elizabeth to secure Mary's ratification of the Treaty of Edinburgh which provided, among other things, that Mary should abstain from using the arms and style of Queen of England, may be followed in detail in the *Calendars Foreign, Elizabeth*, 1561 seq. Mary in fact never ratified the treaty although she offered to do so in 1583 when a treaty for her liberation was afoot (cf. Document III below).

7. That she hathe conspired with summe vnnaturall subjectes of this realme for her deliverie owte of her Majesties custodie and power, and that she hathe receaved letters from the Pope con-
teyning matter of her restoringe to the Church of Rome, with
promise to dispense with all those that wolde in her favour rebell
againste her Majestie for the ayde and supporte of her said
tyle.
8. That the Pope hathe to her further succour, whereunto she
was privie, putt in bancke 100,000 crownes, to be employed vppon
anie that wolde take vppon him the settinge vpp of Popishe
religion in this realme by helpinge her to the crowne. And further
that she was privie to that slaunderous and tyrannicall Bull of
Pope Pius againste her Majestie.
9. That somme of her ministers, for the furtheraunce of her wicked
intencion, devised, in the tyme of the Parliament holden xiiij
[th. Eliz.], to have disturbed and broken vpp the said Parliament,
and to have seized her Majesties roiall person.
10. That certaine rebelles and traytours beionde the Seas have in
her favour published divers bookes and pedigrees wherin they
have deduced vnto her a false and colourable tyle by descent to
her Majesties crowne, whereof divers copies have ben founde in
the handes of her principall agentes.
11. That since the late discoverie of theise her horrible factes she
hathe proceeded by newe attemptes to procure the continuaunce
and renewing of the said moste wicked enterprise for invadinge
this realme; besydes infinite other moste dangerous practises
againste her Majestie.

All which her seditious and detestable practises have, by her
owne letters and instruccions, and by the free, voluntarie and

playne confessions of divers her confederates and ministers, moste amplye, truely, and largely ben proved. ¹

[*Indorsed*] :—1. Collections of the Bill in Parlament againste the Q. of Scottes.

2. Scottish Q.

¹ The charges against Mary in connection with the Norfolk plots and the Rising of the North are based chiefly upon the confessions of Norfolk, of his servants Barker, Higford and Wilkinson and of the Bishop of Ross, which will be found calendared in the Calendar of Hatfield MSS. i and ii, and in the Cal. Scottish Papers, iii and iv. The most important of them are printed *in extenso* by Haynes and Murdin from the originals at Hatfield House. Although these confessions were no doubt elicited by torture or the fear of torture, the truth of the general charges which they make against Mary is attested by the reports of the Spanish ambassador in England at the time (cf. Cal. Spanish, Eliz. i, *passim*). There can be no doubt that she was deeply implicated both in the schemes of Norfolk and in the Rising of the North. It is quite another matter, however, to say that she was the original instigator of Norfolk and his sympathizers to their rebellious purposes. Parliament has somewhat strained the evidence at hand in making that accusation.

Of the eleven charges made here against Mary, all except those numbered 7, 8 and 10 are of a more or less general character and are drawn from the confessions of various witnesses. Charges 7 and 8 are based upon Barker's confession of 7 Nov. 1571. (Murdin, p. 125). The "divers books" which form the basis for charge 10 were no doubt copies of a book written by John Leslie, Bishop of Ross, entitled; "A defence of the honour of the right high mightye and noble Princesse Marie, Queene of Scotland and dowager of France, with a declaration of her right, title and intereste to the succession of the crowne of Englande, as that the regimiente of women ys conformable to the lawe of God and nature." The first edition of this book was printed in London in 1569. A second edition appeared at Liège in 1571 (cf. J. Scott. Bibliography of Works relating to Mary, Queen of Scots, 1544-1700).

MARY QUEEN OF SCOTS

II

INSTRUCTIONS GIVEN TO THE LORD DE LA WARR AND OTHERS SENT TO MARY STUART, TOGETHER WITH HER PROTESTATION TO THEM.

June 11 and 16, 1572.

[Egerton MSS. 2124, ff. 4-5.]

This paper is written in a contemporary hand, but not in the same hand, as Document I. It appears to be the only surviving copy of the instructions given to Lord de la Warr and his colleagues when they were dispatched to Mary Stuart in June, 1572. By some slip of the pen it is dated 11 January 1572. There can be no doubt that it belongs to June of that year (cf. Cal. Scot. Papers, iv, pp. 324-5). The object of this commission was to make certain charges against Mary and to demand her answers to them. The charges were set down upon a separate paper which the commissioners took with them, a copy of which is preserved in the English Record Office (cf. Cal. Scot. iv, p. 324). This paper embodies substantially the same charges as those brought against Mary by Parliament (cf. Document I) except that they are stated more justly and with greater regard for the evidence at hand. A draft, in Burghley's hand, of the letter which Elizabeth sent to Mary by the commissioners is in the English Record Office (cf. Cal. Scot. iv, p. 325).

Mary received the commissioners graciously and replied to them on the 17th of June. She first made her "Protestation" printed below, and then undertook to answer, point by point, the charges brought against her. There are copies both of her protestation and her detailed answer in the English Record Office (cf. Cal. Scot. iv, pp. 326, 330). The protestation has been printed in full in the Calendar of Scottish Papers, iv, p. 326. The copy of it in the Bardon collection is written in the same hand that copied the foregoing instructions to de la Warr and his colleagues. It is indeed merely tacked on to the end of those instructions and is included within the same indorsement.

- (a) INSTRUCTIONS GEVEN TO THE LORD DE LA WARE ; S^r RAFFE SADLER, KNIGHT, CHANCELLOUR OF THE DUTCHIE OF LANCASTER ; THOMAS WILSON, DOCTOUR OF THE LAWE CYVILL AND MASTER OF THE REQUESTES ORDINARIE ; AND THOMAS BROMLEY, ESQUIRE, SOLLICITOUR GENERALL TO HER MAJESTY, BEINGE ALL SENT TO THE QUENE OF SCOTTIS FOR THE MATTERS FOLLOWING ; XJ^o JANUARIJ, A^o 1572 ET A^o 14 ELIZA : REGINE.

We will that yow shall, with all convenient speede that may be, repaire to the Quene of Scottes, beinge with our Cosin, the Earle of Shrewsburie, and vppon your arrivall you shall imparte thes our instructions and communicate with him the cause of your cominge, and all other thinges therto belonginge, and thervppon, by his meanes, to speake with the saide Quene without any vnecessary delay. And yow, the Lord la Ware, shall deliver vnto her our lettres, and after hir readinge therof yow shall, accordinge to our saide lettres, the copie wherof yow shall have delivered vnto yow, require her to heare suche matters as yow have to declare vnto her, and that she will also make severall answears to the same. And soe thereafter yow shall procede to declare the matters in order as they are to yow delivered.

Item : because it is vncerten howe she will make yow answere at the first, that is, whether she will yelde to here the matters to be declared by yow or no, pretending that she is not answerable in respecte of her person, or vsing some other like allegation, or if she will here the matters, whether she will yet thervppon make any answere to yow or no, by pretending that she will rather answere by deputies, or that she will first have counsell before she will answere ; and soe it may be she will vse some other suche like dilatorie meanes either not to answere at all to yow or to spend tyme ;—of wich thinges, because they be vncertaine, soe as no speciall direction can be devised for yow in suche like occurrentes, therefore, knowing your wisdomes and experiences, we thinke it sufficient bothe for yow and our Cosin, the Earle of Shrewsburie, whome we knowe will herin muche further our

service, to direct yow to procede by your wisdomes to this generall scope following ;—

Our meaning is, principally for satisfaction of our honour and our owne disposition, that howe notorious soever her offences against vs and our crowne hathe bin, yet she should be [charged] at this tyme and in this sorte with the principall matters of her factes and that she should allso have libertie to answere to the same in the best sorte that she can.

Spedely we woulde that, seing the matters doe consist vpon factes and deedes, and not vpon questions of lawe, she should be induced to answere directly and without delaye to the same, either to confesse the same or denye the same. And if she will not by any reasonable perswasion be induced to answere, then our meaning is, that havinge the testimonie therof in wrytinge signed by our Cosin, the Earle of Shrewsburie, and your selves, soe protested in her presence, ye shall forthwith returne.

Thirdlie, we would have yow forbear by any occasion to be given by your speches to reason and argue with her vpon the same matters, for soe yow should enter into an infinite heape of talke, and so not [be] able well to conceave what shalbe saide by her to be reported vnto vs, as the thinge we desire to be plainlie done at your returne. And yett, if she her self shall, vpon the matters propounded, vse digressions to excuse herself of the same, or to diminish her factes, yow may, accordinge to suche vnderstandinge as bothe yow, the Master of our Requestes, and specially yow, our Sollicitour, hathe herof by meanes of your travells taken in the examinacions of the saide matter, vse some good speches as of your selves, and not as havinge any charge soe frome vs, remember to her suche substanciall and plaine proves as are extant to improve her allegations, which she shall make for her excuse with matter of vntruthe.

To theis generall pointes yow shall accomodate your whole negociation, and therein yow shall have regarde not to misvse her with any sharpe or vnconvenient speche, but to permitt her to speake at her owne libertie, and yet modestlie and directly,

accordinge to the truthe, to answeere her soe as in no wise she conceave, for lack of your good answers, an opinion that she hathe clerly purged herself of the crimes objected to her.

Finally, yow shall soe vse your tyme bothe in your jorney and there also in abode with her, to procure her to make answeere and to putt the same in wrytinge, and to shewe to her the same, as in any wise yow faile not to be here againe by the xxiiijth of this moneth, or rather before, because on the xxiiijth the sessions of our Parleament begyne againe, which we shall have cause after your returne to fynishe with all convenient spede.

(b) THE Q. OF SCOTIS PROTESTATION.¹

Afore our answering in any wise to the Quene of England, our good Sister and Cousins deputies, vppon the demaundes and questions made by them vnto vs, we have protested as Quene of Scotland, a free and soveraigne princes, that we will not submitt vs to no jurisdiction of her nor of no other whosoever, nor yet acknowledge the saide deputies sent towards vs, by our saide Sister and Cousine otherwise nor in suche manner as one free prince is accustomed to doe to an other ; but in so farre as we have the honour to be nearest of bloode, parentage and right of succession after her to this crowne, and that by her lettres of the xjth of this instant she hathe wrytten to vs, desiringe to have our answeere vppon certen poyntes or articles which they have in charge to vnderstand of us, our intencion beinge to satisfie our saide Sister and Cousine in all we may, and that is possible to us, as, especially sithe we are holden in her handes, wher, of our owne goodwill, vnder trust and hope of her promissed friendship, we did putt our self, we have had allwaies will to doe, and nowe more and more for present assemblie of the states of this realme, afore whome and our saide Sister and Cousin we wish our self to be present in person for to declare, [on] our

¹ This heading is written on the margin in the original, in a different hand from that of the document itself.

owne parte, sinceritie and vpright intention towards her and the common wealth of this realme, we have conferred ampie with the said deputies, by whose reporte, declared faithfully to our saide good Sister and to the states of her realme (as we doute not but they will) all that they have hearde and vnderstande of vs, we trust that she and the saide states shalbe satisfied and contented with the same. Yeuen at Shefeilde Castle, the xvijth day of June, the yeare of God 1572.

[*Indorsed*]:—Instruccions to the L. de la Ware and others, then sent to the Q. of Scottes. 11 Jan. 1572.

III

CHARGES BROUGHT AGAINST ELIZABETH BY MARY STUART IN HER LETTERS.

[April 6th, 1583.]

[Egerton MSS. 2124, f. 19.]

This paper is written in a contemporary clerkly hand. It is not dated, but there can be little doubt that it belongs to the date assigned to it. The charges themselves are drawn almost *verbatim* from Mary's letter to Elizabeth of the 8th of November, 1582 (Labanoff, v. p. 318). On the 6th of April, 1583, when Elizabeth directed the Earl of Shrewsbury and Robert Beale to deal with Mary, she supplied them with a brief resumé of Mary's charges against her, together with answers to be made to them (S.P. Mary Q. of S. xii, nos. 48, 49 in R.O.). Very likely this paper dates from the same time, although it does not correspond in all points with the resumé supplied to Shrewsbury and Beale.

Elizabeth in her answers only attempts to meet the first three charges set down here directly. The others she either ignores or else adroitly avoids.

THE PARTYCLAR POYNTIS WHERWITH THE SCOTTISCHE QUENE
CHARGETH HER MAJESTIE IN HER PRYVATE LETTERS.

1. That by the agentes, spyes and secrett messengers sent in her Majesties name into Scotland, the subjectes ther were corrupted and styrred to rebellion against her, to seke the destruction of her person, and to execute all that was done in that countrie during the troubles ther.¹
2. That Throgmorton, in her Majesties name, counselled her to sygne the release, assuring her that yt could not be good, and yet yt hayth bene heere onlye so reputed and taken, wher the authors of yt have bene assisted with open force.²
3. That notwithstanding her Majestie had by diuerse and sundrie messengers promysed her aydd against her rebelles, and that if she wold withdrawe her selfe out of Scotland she wold come to the borders to assyst her in person,³ yet when she came into

¹ Mary, in her letter, makes this charge more specific and though she names no name, she evidently points to Thomas Randolph whom she dismissed from Scotland in 1566 for having commerce with her rebels (Labanoff, v, p. 321 n.). Elizabeth replied to this charge as follows :—"Randolph, who seemeth to be the nameles man whom she meaneth, being charged by Johnson, an infamous and condemned man, to have delivered unto him, the said Johnson, certain monny for the L. of Patarro, did cleere himself sufficiently of that imputacon, and in respect of the good offices don by him was afterwards required by himself to be continued there." This answer is accurate as far as it goes, yet there can be little doubt of the substantial justice of Mary's charge.

² This refers to Mary's written abdication of the Scottish throne which she made under constraint at Lochleven on the 24th of July, 1567. It is not unlikely that Throgmorton gave the advice which Mary accuses him of giving (cf. Throgmorton to Eliz. July 18, 1567. Cal. Scot. ii, p. 355), but it is certain that at the time he was working hard in her interests. He himself declared that it was only through his instrumentality that Mary's life had been spared by her enemies (cf. Throgmorton to Leicester, 31 July, 1567. Cal. Scot. ii, p. 368).

³ Elizabeth in her reply to this acknowledged the fact, but declared that Mary's conduct had absolved her from her promise. "That friendly promise was made before her [Mary's] husband's death when she carried herself well. Promises

this realme, upon confydence of her Majestie, she was commytted to a gard and shutt up in dyuerse castels, and, in fyne, brought beyond all shame into captyuitie, with the sufferance of a thousand deathes.

4. That diuerse of her chefest frendes in Scotlande were pursued and beseged in the castell of Edenborough by her Majesties forces, emprysoned and hanged after shee had caused them twysse to disarm them selves at her Majesties request,¹ vpon assurance of ag[reement].²
5. That agaynst all lawe and justis [she] was forbydden not onlye to helpe [her] sonne in his extremyte, but also to [be made] acquaynted with his state.
6. That her Majesties wrongfull prysons of all ryghtfull ground have alreadie destroyed her bodie.³

[*Indorsed*] :— 1. [*Illegible*].

2. Concerninge the Q. of Scottes.

and the bond of friendship are subject to evile interpretations and grounded upon vertue. By her miscariage of herself afterwards, this ground failed, and therefore her Majestie was consequently noe more tyed to such a promise." [S. P. Mary Q. of S. xii, no. 49].

¹ Independent evidence upon this point is wanting. Elizabeth herself avoids the charge in her reply, which suggests that it was probably well founded.

² The manuscript is badly frayed along the lower edge.

³ In Mary's letter, already referred to, this charge reads ;—"Vostre prison, sans aucun droict et juste fondement, a jà destruit mon corps." (Labanoff, v, p. 331).

IV

FAVORS SHOWN TO MARY STUART BY ELIZABETH.

[April 6, 1583.]

[Egerton MSS. 2124, ff. 21-23.]

This paper, written in a contemporary clerkly hand, is undated. Like the paper foregoing, it probably formed part of the instructions given to Shrewsbury and Beale when they were directed to treat with the Queen of Scots in April 1583. In the paper in the Record Office endorsed;—"Instructions for the E. of Shrewsbury and Mr Beale," which has been referred to above, these same "extraordinary favors" are more briefly enumerated in the same order as in the present paper. It is to be observed however, that the last paragraph, concerning the Earl of Morton, is omitted in the Record Office copy.

A COLLECTION OF CERTAINE GREAT AND EXTRAORDINARY FAUOURS
SHEWED TO THE SCOTTISH QUEENE BY HER MAJESTIE.

First, not longe after the said Queene was established in the full possession and goverment of the realme of Scotland (beinge declared major) there was sent into that realme the Bishopp of *Amyans* and the Barron de la *Brosse*, with commission to reduce the said realme into a province, by bringing in of straungers, and overthrowinge thestate of the nobilitie and comonaltie of that realme, by oppression and tyrannie, contrarie to their priviledges, and the oth which those kinges vse to make at their coronation.¹

¹ The embassy of the Bishop of Amiens and the Baron de la Brosse was not quite so vicious an affair as Elizabeth here makes it out to have been. The bishop and his colleague were, in fact, sent out of France by Mary and her husband, the French King, to bring the Scottish rebels back to their allegiance by peaceful means if possible. They landed in Scotland on the 24th of September, 1559 and they set to work at once, but they seem to have accomplished nothing, either for good or evil.

Whervvpon the principall noblemen of that realme, foreseeinge wherto that kinde of government would tend, and suspecting that for the better atcheiving hereof, some of the principall personages which were sent not longe before into Fraunce to bee at her marriage were empoisoned at Deepe as they were retourninge homewardes, for that they would not yeild to so much as was required,¹ were forced for the defence of their lives and cuntry to take armes, as appeareth by their protestacion.

The said nobylitie, vvpon due consideracion of the said manner of proceedinge, growinge doubtfull that the said Queene should bee vsed but as an instrument for their ruine and overthrowe, and for the deprivinge of them of such liberties and freedomes as they had enjoyed from time to time, in the daies and times of the princes her progenitours, were fullie resolved to have deprived her of her gouernment, and to have established the same in the eldest sonne of the Duke of Chatteroy, the Erle of Arreyne, beinge then a gent. of verie great hope and towardnes. And for the better accomplishinge thereof, they were desirous to have matched the said Erle with her Majestie, whereof, offer beinge made vnto her Highnes, shee did not onlie vtterlie refuse the said offer, but contrariwise did in a most kinde and princelie sorte (a benefitt never to bee forgotten) by her mediacion worke a reconciliacion betwene the said Queene and her subiectes, an example verie rare, consideringe the just cause of dislike that her Majestie had against the said Queene, and to doubt her ill neighbourhoode, pretendinge (as she did) to be a competitour to this crowne.²

¹ The Scottish lords who went to France to ratify the marriage treaty between Mary and the French Dauphin, one and all took strangely sick upon their departure from France (Sept. 1558). Three of them, indeed, died at Dieppe. No doubt they were poisoned but whether by accident or design is impossible to establish (Lang, *Hist. of Scotland*, ii, p. 43). The circumstance however was certainly suspicious and gave ground for such a charge as Elizabeth makes here.

² There is no clear proof that the Lords of the Congregation actually contemplated the deposition of Mary although they may very well have had such a project in mind. They certainly desired to match Arran with Elizabeth. Sir

Secondarelie, the said Queene being found guiltie and sufficientlie convicted as culpable of the murder of her husband, her Majestie, doubtinge that by Parliamēt they would have proceeded so farre forth as not onlie to have deprived her of her state and government, but also to have taken awaie her lief, shee sent, for the staie therof, Sir Nicholas Throgmorton into that realme, who, notwithstandinge all the perswasions vsed in her Majesties name vnto the nobylitie there, could not have staied the execution, had he not threatned (beinge so directed by her Majestie) that shee would not faile to take revenge, in case they should offer anie violence to her person; which, if her Majestie had not performed, shee had not nowe lived to have troubled Scotland and England as since shee hath donne.¹

Thirdlie, the nobilitie of Scotland, vnderstandinge that the said Queene, after her escape out of Loughleven and retiringe into this realme, did charge them to have proceeded vndutifullie, vnjustlie against her, pretendinge (as shee did) to bee altogether inocent of the facte whervppon they grownded the cause of their severe proceeding against her, were sutors vnto her Majestie that the cause might bee examined before competent judges, with further request, that in case shee should bee found culpable, that then shee might be delivered into their handes. Wherevppon her Majestie appointed certaine comissioners to meet at York, with certein comissioners sent out of Scotland, who afterward for some matter discouered vnto her Majestie were ordered to repaire from Yorke to Westminster, where, after that the matter had been a little opened by the commissioners of Scotland vnto her Majesties comissioners, her Highnesse, being secreteilie given to vnderstand by the Bishopp of Rosse, then agent for the said

James Crofts at Berwick heard rumors of this desire in June, 1559 (Cal. Scot. i, p. 215). The formal proposal was not made however until early in December, 1560 (Ibid. p. 495).

¹ This claim of Elizabeth has more justification. Throgmorton's correspondence for the year 1567 in the Scottish Calendar (vol. ii, *passim*.) goes far towards substantiating it.

Queene, that the matters would fall out verie hard against his mistris in case the comissioners should proceed to a di[rect] ¹ and exact examinacion of the same, did, vpp[on] request made by the said bishopp, for the savinge of his mistrisses honour, not onlie geve order for the staie of their proceedinge against her, but did also refuse the deliuerie of the said Queene into their handes, beinge most earnestlie pressed by the said comissioners in that behalf. ²

Forthlie, it is generallie knowne vnto the world that notwithstanding the manifest discouerie of the said Queens practise with the Duke of Norfolke, her procuringe of the rebellion within the north partes of this realme and her practises with forreign princes abroad, to have provoked them to have invaded this said realme and to have joyned with the said rebells, yet her Majestie, beinge most earnestlie pressed by the nobylitie and comons of this realme, in a Parliament held in the xiiiith of her reinge, to have proceeded against so daungerous a guest [who], nowrished (as it were) within her Majesties owne breast, was like to worke her destruccion and the ruine of the whole realme, did notwithstanding (moved with a princie compassion towards the said vnfortunate or rather vnthankfull Queene) forbear to satisfie the request of the said lords to their great grief and infinite discontentment. ³

¹ Manuscript torn.

² This version of Elizabeth's behavior towards Mary in consequence of her flight into England is hardly substantiated by other evidence at hand. No doubt Moray, the leader of the Protestant party in Scotland pleaded for a hearing, but Elizabeth conducted the examination as it pleased her, and though she did not allow the investigation to proceed to a judgment, she did nothing to raise the suspicions against Mary. There are some grounds for believing that Mary's commissioners were not anxious to have the investigation proceed too far (cf. Knollys to Cecil, Oct. 9, 1568. Cal. Scot. ii, p. 523), but no other evidence to support Elizabeth's declaration that she had let the matter drop at the earnest solicitation of the Bishop of Ross.

³ This is substantially the truth. The proceedings against Mary in the parliament of 1572 will be found in D'Ewes (p. 207 seq.). Parliament was anxious

Lastlie, the late Erle Morton (who at her Majesties earnest request and sollicitacion did accept the regencie in the realme of Scotland), doubtinge after the massacre at Paris, that the said queene would have been vsed as an instrument to work the ruine of both realmes by the help and assistance of such princes as were enemies to her Majestie and the yonge kinge, his souerainge, in respect of relligion, especially her kinsmen of the house of *Guise*; and seinge also that the daungerous faccions reigninge in the realme of Scotland could in no sort be helped, so longe as shee should remaine alive, did most earnestlie presse her Majestie to make deliverie of the said Queene into his handes, promisinge to have proceeded against her no otherwise then in course of justice by Parliament; which request of his her Majestie did vtterlie refuse, hopinge in time, by the extendinge of these extraordinarie fauours, to have woonne her to have yeilded a more thankfull requitall, then of late hath appeered.¹

[*Indorsed*]:—1. * * * certaine great and extraordinarie fauours shewed to the Scottishe Queene.

2. Scotis Q.

“to touch the Scottish Queen as near as her life” for her complicity in the Norfolk plots. A bill was introduced in the House of Commons to that effect but stopped by the Crown before it had passed. A second bill (cf. Appendix I), was then brought in to exclude Mary from the succession to the English throne. This bill passed both houses, but Elizabeth never gave her assent to it.

¹ It is to be observed that this “extraordinary favor” is omitted in the Record Office copy. As a matter of fact it appears that the idea of transferring Mary to Scotland “to be dealt with” originated with Elizabeth herself, and was not carried out, for the simple reason that Morton would not undertake to deal with Mary on his own responsibility, and Elizabeth refused to share the responsibility with him (cf. Henry Killigrew’s Correspondence, Sept. 1572 et seq. Cal. Scot. iv, p. 418 seq.).

V

OFFERS MADE TO ELIZABETH BY THE QUEEN OF
SCOTS FOR HER LIBERATION, TOGETHER WITH
SIR CHRISTOPHER HATTON'S ARGUMENTS
AGAINST LIBERATING HER.

April 21, 1583.

[Egerton MSS. 2124, f. 6-7.]

These two papers, though written in different hands and on different sheets, are embraced by a common indorsement and evidently belong together. The first is in a contemporary clerklly hand. It is a copy of certain offers made by Mary Stuart when a treaty for her release between her and Elizabeth was under consideration in 1583. Two other copies are preserved in the English Record Office (S.P. Mary Q. of S. xii. nos. 62, 63), upon one of which (no. 62) Sir Francis Walsingham, Elizabeth's Principal Secretary, has made marginal annotations indicating the answers which should be made to Mary's offers. These annotations are printed in Appendix II. For convenience of reference, the different articles of Mary's offers have been lettered and Walsingham's answers lettered to correspond.

The second paper, containing Hatton's arguments against the liberation of Mary, is in Hatton's own hand.

(a) OFFERS MADE TO HER MAJESTIE BY THE QUEENE
OF SCOTTES.

- (a) That shee will accomlishe the Treatie of Edingburghe, acknowledging her Majestie and her lawfull heyres most rightfull successours to this crowne of England ;
- (b) That nether shee, nor her sonne, nor any by their procurement, shall seeke to molest or disquyet or hurt her Majesties person, gouvernement or estat, but vphold and mainteyne the same ;

- (c) That shee and her sonne will acknowledge and mainteyne her Majestie as most rightfull queene, so that during her Majesties tyme nothing be done to the prejudice of her or her sonnes tyle to this crowne ; and in case at any tyme this cause shalbee dealt in in the Parliament, that then her interest may bee indifferently heard as well as others ;
- (d) That shee will not deale with Pope, Jesuite, seminary preestes or any others, ether within the realme or withowt, in anything tending to the alteracion of religion established by her Majesties authoritie, but will to the vttermost of her power resist them, and so make it knowen to the world ;
- (e) That shee and her sonne will so behave them selves towards her Majestie as they trust to deserve fauour ; that for the attemptes in Ireland and other places her sonne is hable to do her Majestie pleasure, who shee knoweth will do nothing without his mother ;
- (f) That for her Majesties saltie and assuraunce, in any such sort as may with her honnour and saltie bee devised by her Majestie and Counsell, shee will give such obligacions and assurances of her selfe, her sonne, her frendes, and allies, as may bee requyred ; and if shee shall violate the same, then shee will desyre vpon prooffe therof no further favour ;
- (g) That because her remayning in Scotland or Fraunce can not be without great suspicion to her Majestie, shee cold be content to remayne in some such honorable sort in this realme as by her Majestie and her Counsell might be advised, so as it be not to her prejudice and dishonour ;
- (h) That anie treatie hereafter betweene her and her Majestie may bee with her sonne joyntly, because the assuraunce shee will make of any thing to her Majestie for her good behaviour shall passe not only from her self but also from her sonne and her other frendes both in Scotland and in Fraunce ;

- (i) That vppon her Majesties pleasure to treat with her, she and her sonne will enter into any such perfecte league as may bee by her Majestie and her Counsell thought most convenient for her Majesties saltie during her lyfe, and preservation of this realme afterwarde from bloodshedd, forraine invasion, &c ;
- (j) That if shee may have some ground or warrant vnder her Majesties hand that vppon reasonable offers shee shall not bee denied of her requestes, shee will then, in treating, deale more confidently and more frankly, and particularly propound such thinges as shee thinketh meet for the better bringing of matters to passe.

(b) [HATTON'S ARGUMENTS AGAINST LIBERATING MARY.]

She is the onely instrument to worke the overthrowe of religion in this whole iland and soughte by all meanes of practise of the crownes of Spaine and France.

By her liberty she shall stand clearyd in the eyes of the world for the conspiracy of the K's deathe.¹

Her title of succession² shalbe greatlye aduancyd in credit by the opynion the world will conceve hereof.

She may frelye practise in any sort agayst (*sic*) the religion and this state without hire owne peryll.

She will never accepte this libertye as a benifyte but rather as a course proceadyng of feare or of remorse of conscience or sum other lyke respectes.

¹ The reference here is obviously to the murder of Darnley who, by his marriage with Mary, became King of Scotland. Mary was accused of being implicated in his murder. Elizabeth had pretended to investigate the matter shortly after Mary's arrival in England, but had in fact done nothing more than darken the suspicions entertained against her without establishing either her guilt or her innocence.

² To the throne of England. There can be little doubt that Mary was the rightful heir presumptive to the throne of England, but Elizabeth would never admit the fact. Indeed, until the very hour of her death she refused to consider the question of her successor and would have no one else consider it.

It is dowghtid it may prove daungerus too our partie and the whole religion in Scotland. Besides, it may be vnnacceptable too the K. hir sonn because she apithe, at (*sic*) it were, an associacion in the governement.¹ Obliq.²

The best course of policie is too assure the kinge and realme of Scotland vnto vs in most suer and perfect amytey wherbye hire practyses forren can neuer take hold too our prejudice and shee hir selffe too remayne too answere all hir doynge. &c.

This delyberacion is thought fitt too be respityd vntil Colonell Stewart and Colvile are aryvid here from the King, which is expectid within feowe dayes. And that Mr Bowes beyng ther should be aduertisid of the Quenes demandes with suche further instruccion as shalbe thought meete.³

This matter is too be impartyd with the King of Scottes and our partie ther too be well assured before any resolute treatye be had for her libertie.

[*Indorsed*] :—[Offers?] to her Majestie by the Sc. Queene for hir Liberty, April xxi, 1583.

¹ Although Mary had renounced the Crown of Scotland at Lochleven, she maintained that she had done so under compulsion. She consequently refused to abide by her renunciation or to recognize her son's title to the Crown. However, in order to conciliate him she proposed to associate him with her upon the Scottish throne. On the 3rd of January 1581, she sent to the Duke of Guise powers to negotiate a treaty with James to this effect (Labanoff, v, p. 185).

² The meaning of this abbreviation is not clear.

³ James VI sent Col. Stewart and Jas. Colville to England late in April 1583 with instructions to ask Elizabeth's advice as to his marriage, to demand that the English estates of his late grandfather, the Earl of Lennox, be handed over to him, and to request the sum of £ 10,000 in ready money and a pension of £ 5000 a year (Thorpe, Scot. Calendar, ii. p. 440). This was the price James demanded of Elizabeth for an alliance with England.

VI

SIR CHRISTOPHER HATTON'S NOTES CONCERNING
SCOTLAND.

May 16, 1584.

[Egerton MSS. 2124, f. 8.]

These notes, written in Hatton's hand, are almost too brief to be intelligible. They are evidently short memoranda of matters concerning Scotland and the Scottish Queen, either for his own consideration or possibly for use in the Privy Council. They belong to a time when Scotland was more than ever estranged from England.

After the execution of the Earl of Morton, on the 2nd of June, 1581, the young king, James VI, broke from his dependence upon the English party in Scotland and, under the influence of Esmé Stuart, Seigneur d'Aubigny, inclined towards Catholicism and an alliance with the Guisan party in France. The so-called Raid of Ruthven, led by the Earl of Gowrie, destroyed d'Aubigny's power and restored the friends of England to something like their former power and influence beside the king. But James, after a time, resented their domination and in June 1583 escaped from Gowrie's charge. With the assistance of the Earl of Arran, Gowrie was made prisoner in May of the next year (1584) and after trial, executed. The other prominent members of his party had meanwhile fled across the border into England. It was at this critical juncture that Hatton drew up his memoranda.

1. The answer to the S[cottish] K[ing].¹
2. The retaynyng of the lords of S[cotland].²

¹ This probably refers to a letter which James VI wrote to Elizabeth on the 4th of May, 1584, demanding the delivery of certain Scottish nobles, friends of Gowrie and members of the discomfited English party in Scotland, who had fled into England (Thorpe, Scot. Cal. i, p. 470).

² Probably a reference to the fugitive Scottish nobles just referred to.

3. The strenthenyng of the borders.
 4. The matter of mediacion and by whom.¹
 5. Whether the Q[ueen of] S[cots] should joyne in the mediacion.
 6. Whether treatye with the S[cottish] Q[ueen] here be convenyent or not.
 7. A pryuate course with the K[ing].
 8. Parlyment.
- [*Indorsed*] :—The heades of the matters with S[cotland]. Maij 16, 1584.

VII

SIR CHRISTOPHER HATTON'S ARGUMENTS IN FAVOR
OF LIBERATING MARY STUART.

September 22, 1584.

[Egerton MSS. 2124, f. 9.]

These arguments are in Hatton's own hand and bear his indorsement. They have reference to certain negotiations for a treaty between Elizabeth and Mary which contemplated Mary's liberation and which had been resumed in May, 1584. Apparently Elizabeth hoped to use Mary's influence in favor of the discomfited English party in Scotland and of the leaders of that party who had been forced to flee into England earlier in the year. Hatton's notes should not be interpreted to mean that he was in favor of

¹ Probably Hatton had in mind here a project of mediation between the party of the Earl of Arran then in power in Scotland, and the fugitive nobles in England.

liberating the Scottish Queen at this time. He simply sets down arguments in favor of such a policy just as the year before (cf. Document V) he had set down arguments opposing it.

CERTEN REASONS AND PROFITABLE CONSIDERACIONS BREIFFELYE
COLLECTID WHEREBY IT MAY SEME GOOD FOR HER MAJESTIE
TOO SETT THE Q[UEEN] OF SCOTTES AT LIBERTYE.

First the S[cottish] Q[ueen] cannot endaunger hir Majesties state by hir libertye soo muche as before tyme.

The present perrell lyethe moche rather in the yonge K[ing] hir son.

The mother dothe governe him and therfore fitt to joyn hir by the treatye.¹

The howse of Gwise (the lesse able agaynst vs then before) yet herebye stoppid and all other hir more potent frendes.²

What euer becum of the mother, yet is the hope of the Papistes reposid on the yonge K[ing] who may alter religion, as is lokyd for by the enemyes.

Religion.

But throughe hir libertye that yong K[ing] will yeld too settell religion constantly in Scotland.

He and she will refell the treasonable practyse of Papistes and Jhesuites, &c.

That evell accion and all attemptes bothe at home and abrode by them³ wilbe vtterly extynguishid.

Competency.

¹ Walsingham, as well as Hatton, seems to have laboured under this misapprehension. Cf. Walsingham to Sadler, 17 Oct. 1584, in Sadler Papers, ii. p. 420.

² This paper was drawn up about a year after the discovery of the Throgmorton plot, a design of the Duke of Guise to invade England, release Mary Stuart and set her on the English throne.

³ Attempts against the welfare of England and of Elizabeth.

The papisticall sedicius hope of present competency¹ fully extynguishid.

Perryll of violence towardes the Q[ueen's] person happelye avoydid.

All outward attemptes of forren princes fully st[a]i[ed].²

A leage defensyue with Scotland concludid.

The quiett of hir Majesty and of hir domynions well assured and fast tyid.

The Lords of Scotland our friendes shalbe restoryd, of whom ther we shalbe well assured.³

A propagacion of the religion with vs in good expectacion to be most yoifully compassid⁴. &c.

The condicions &c. offeryd by the S[cottish] Q[ueen] wilbe constantlye performyd, which shall enure too the contynull peace, quiett and tranquilytey of hir Majesty, the religion and the realme.

[*Indorsed in Hatton's hand*] :—The S[cottish] Q[ueen]. Certen collections pro et contra, breiffely sett downe for my memory &c. Sept. 22, 1584.

¹ That is to say, the hope of the English Catholics that Mary might be set up as a present competitor to Elizabeth for the English throne.

² The MSS. here is slightly torn.

³ Hatton refers here to the Scottish lords of the English party who had taken refuge in England.

⁴ Hatton seems to contemplate here the collaboration of Scotland with England for the propagation of Protestantism.

VIII

CONSIDERATIONS FOR ELIZABETH'S SAFETY.

[December 1584?]

[Egerton MSS. 2124, f. 10.]

This paper is in Sir Christopher Hatton's hand. It is undated and there is practically no internal evidence to assist in fixing its date. It reads like a brief for the introduction to a speech in favor of some measure for Elizabeth's safety. In December 1584 Hatton brought forward a bill in the House of Commons the object of which was to discourage conspiracy against the Queen's life especially on the part of those "that shall or may pretend title to this Crown." It passed both Houses of Parliament and became law (27 Eliz. c. i.). These notes in Hatton's hand perhaps have some connection with the speech which he made in support of this bill. The bill had its first reading in the House of Commons on the 14th of December, 1584 (D'Ewes p. 339). The speech itself has not been preserved.

We must consider, in our deutyfull cares for her Majesties saftie,

First,

The dignytey of hir creacion in kyngly estate.

The high virtue of hir pryncely offyce.

Hir notable progression therin with profytable execution too our vniversall peace, welthe and saftie.

The daylie cares that cumber hir with incessant interruptions of hir naturall quiet for our preservacion.

All which consideracions bynd vs

Too be religiuslye thankfull too God for hir.

Too be lovyng, obedient, and dewtyfull towards hir for God and hirselffe.

Too seke too preserve hir with the services of our bodies,
liffes, and goodes.

Too resist all perrilles and daungers towards hir person soo
farr as the witt of men and force can reatche.

Too the first,

She is 'creata a deo ut in ea dominus sediat (*sic*) sua iudicia
decernere et iusticiam vniversis facere.'

That 'rex est homo a deo secundus, omnibus maior solum illo
minor.'

'Ego dixi quod dii estis.'

To the second,

The king 'is rei publicae pastor et parens.'

He is 'patriae pater' and therfore,

'Omnium domos regis vigilia defendit, omnium otium illius
labor, omnium delicias illius industria, omnium vacationem illius
occupatia' (*sic*).

Too conclude, it is 'officium regis opem impendere ut ecclae-
siae dei et omni populo christiano vera pax omni suo tempore
observetur.'

[*Without Indorsement*].

IX

CORRESPONDENCE BETWEEN MARY STUART AND ANTHONY BABINGTON.

June-August, 1586.

[Egerton MSS. 2124, ff. 57-64.]

These are copies, in a contemporary clerkly hand, of all the letters which
are recorded to have passed between Mary and Babington during the
summer of 1586, together with a copy of one letter which Babington wrote

to Nau. The text of the Mary-Babington letters corresponds exactly, except for a few insignificant verbal exceptions, to that printed by B. Sepp in "Maria Stuart's Briefwechsel mit Antony Babington," (Munich 1886).

The question as to whether they are entirely genuine, or entirely forged, or partially genuine and partially forged, has not yet been satisfactorily answered. Defenders of Mary have complained that the originals of these letters were never produced. It ought to be remembered that if Walsingham, instead of merely taking copies of them and sending them on to their destination, as he professed to have done, had retained the originals in his possession, he would have brought the correspondence to an end at once. It is quite possible that he sent the originals to their destination in order to elicit a reply and that Mary on her part, and Babington on his, saw to it that they were destroyed. From the letters printed by Morris in "The Letter-books of Sir Amias Poulet" it appears fairly certain that a careful search was made among Mary's papers for Babington's letters to her and for the original drafts of her letters to Babington, but without success. Mary's prosecutors were evidently anxious to get hold of them, believing that they would strengthen their case against her.

(a) MARY TO BABINGTON.

June 25, 1586.

This letter, reopening Mary's intercourse with Babington which had been interrupted some years before, appears to have been written at the suggestion of Thos. Morgan, Mary's agent in Paris (cf. Morgan to Mary ^{31 April} _{9 May}, 1586. Murdin p. 513). Claude Nau, Mary's secretary, declared that Morgan had actually dictated the terms of the letter (Labanoff, vii. p. 208). Four copies of this letter, one in French and three in English, are preserved in the Record Office (S. P. Mary Q. of S. xix. nos. 9-12). The French version contains also a copy of Babington's and Curle's attestation of the letter. There are other copies in the British Museum.

My verie good frend, albeit it be longe since yow hard from me, no more then I have done from yow, against my will, yet wold I not yow shuld thinke I have, in the mean while, nor will ever be, vnmyndfull of the effectuall affection yow have shewed heretofore towards all that concerneth me. I have vnderstood that vpon the

ceasinge of our intelligence there weare addressed vnto yow, both from France and Scotland, some packettes for me. I pray yow if anye be come to your handes, and be yet in place, to delyver them to the bearer ¹ hereof, who will make them be safelye conwayed vnto me. And I will pray God for your preservation. Of June, the 25th, at Charteley.

Your assured good frend,
MARIE R.

(b) BABINGTON TO MARY.

[6] July, 1586.

This letter is undated, but Sepp (Briefwechsel etc. p. 28 n. 9) has advanced good reasons to show that it was written about the 6th of July. There are three English copies and one French copy of it in the Record Office (S. P. Mary Q. of S. xix. nos. 9-12). The French version includes a copy of Curle's attestation. Other contemporary copies are preserved in the British Museum and elsewhere. Lingard argues (vol. vi. p. 415, n. 3) that Babington wrote this letter before he had received Mary's of June 23rd, citing as evidence the testimony of Nau. The value of Nau's testimony upon a point like this, he being a prisoner with Mary at the time Babington received the letter, is certainly very questionable. Lingard

¹ The bearer of these letters went by the name of Barnaby. He has usually been identified with one Thomas Barnes, who offered himself anonymously to Mary as a conveyer of her letters in a letter which he wrote to her on the 10th of June, 1586 (Morris, p. 375). It is clear however that Barnaby and Barnes cannot have been the same person because Barnaby had entered into communication with Mary through Curle, her secretary, at least as early as April 29th, 1586 (cf. Curle to Barnaby $\frac{1}{2}$ June, 1586, in Morris, p. 376). Moreover we find Curle inquiring of Barnaby who this anonymous correspondent was that was offering his services (cf. Curle's letter, just cited). Barnaby was, of course, one of Walsingham's agents, but Barnes seems to have been introduced into the affair by Gilbert Gifford without Walsingham's knowledge, for reasons which are not quite clear but which were probably not those that Gifford set forth later (cf. Gifford to Phelippes, printed in Morris, p. 380). Morris takes the view that Barnaby and Barnes were one and the same, but he has himself, quite unconsciously, printed sufficient evidence to prove the contrary.

cites as further evidence the fact that Babington makes no specific mention of Mary's letter in his own. This is true, but it does not seem sufficient to outweigh the fact that some days after Mary had written to Babington, when he had had time to receive her letter, he wrote to her, not directly acknowledging her letter to be sure, but apologizing at the very outset for his long silence, of which Mary had spoken in her letter to him.

The numerals printed along the margin occur, in the same fashion, in the manuscript. Their significance is not quite clear.

Most mightie, most excellent, my dread soveraigne Ladye and
1^o Queene, *vnto whom onely I owe all fidelitie and obedience* ; It may please your gracious Majestie to admit the excuse of my longe silence and discontinuance from the dutifull offices by me incepted vppon the remove your roiall person from the auncient place of your aboade to the custodie of a wicked Puritane, and mere Lecestrian, a mortall enemye *both by faith and faction* to your Majestie and the state Catholique. I held the hope of your ¹ contries weale (depending next vnder God vpon the life and health of your Majesty) to be desperate, and thervpon resolved to departe the land, determyning to spende the remaynder of my life in such solitarie sorte as the wretched and miserable state of my contrie did require, daylye expectinge (according to the just judgment of God) the deserved confusion therof, wich our Lord for His mercies sake prevent. The wich my purpose being in execution, and standing vpon my departure, there was addressed vnto me from the partes beyond the seas one Ballard, a man of vertue and learninge and of singuler zeale to the Catholique cause and your Majesties service. This man informed me of great preparation by the Christian princes (your Maiesties allyes) for the delyverance of our contrie from the extreme and miserable state wherin it hath to longe remayned, wich when I vnderstood, my especiall desire was to advise by what meanes, with
2^o the hazard of my life, and my frendes in generall, I might doe

¹ This is probably a mistake of the contemporary copyist. The word is "our" in the copies at the Record Office.

your sacred Majesty one good dayes service. Wherupon, most deare soveraigne, according to the greate care wich those princes have of the preservation and safe delyveringe of your Majesties sacred person, I advised of meanes and considered of the circumstances accordinge to the wayght of the affaire, and after longe consideration and conference had with so many the wisest and most trustie as with saftetie I might recommede the secrecye¹ therof vnto, I do finde (by the assistance of our Lord Jesus) assurance of good effecte and desired fruite of our travailes.

These thinges are first to be advised, in this greate and honourable action, vpon the issue of wich depends not onely the life of your most excellent Majestie (wich God long preserve to our inestimable comforte and *to the salvation of English sowles* and the life of all vs actors herein), but also the honour and weale of our contrie, farre then our lives more deare to vs, *and the last hope ever to recover the faith of our forefathers, and to redeeme ourselves from the servitude and bondage which heresie had imposed upon us, with the losse of thousands of sowles.* First assuringe of invasion of sufficient strenght in the invador; portes to arrive at, appointed with a stronge partie at everie place to joyne with them, and warrant theire landinge; the deliverance of your Majestie; the
 3^o dispatche of the vsurpinge competitor; for the effectinge of all wich (if it may please your Excellencie to relye vpon my service), I vowe and protest before the face of Almighty God (who miraculouslie hath long preserved your sacred person, no dowt to some vniversall good end) that what I have said shalbe performed, or all our lives happellie lost in the execution therof, wich vowe all the cheefe actors herein have taken solemlye, and are, upon assurance by your Majesties letters vnto me, to receave the Blessed Sacrament thervpon, eyther to prevaile in the Churches behalfe and your Majesties, or fortunatlye to dye for that honorable cause. Now, for as much as delay is extreame dangerous, it may please your most excellent Majestie by your wisdomes to directe

¹ This word is "safety" in the Record Office copies.

vs, and by your princelye authoritie to enable such as may
advauce the affaire, foreseeinge that wheare is not anye of the
nobilitie at libertie assured to your Majestie in this desperate
5^o service (except vnknowne vnto us), and seinge it is verie necess-
arie that some there bee, to become heades to lead the multitude,
ever disposed by nature in this land to follow nobilitie, consider-
ing withall it doth not onely make the commons and the gentrye
to followe without contradiction or contention (wich is ever
found in equalitie), but also doth adde more corage to the leaders,
for wich necessarie regard I wold recommend some vnto your
Majestie, as fittest in my knowlege, for to be your leiftenantes in
4^o the west partes, in the north partes, Southwales, Northwales, the
counties of Lancaster, Darbye and Stafford, all wich contries, by
parties already made and fidelities taken in your Majesties name,
I hold as most assured, and of vndowted fidelitie. My selfe with
6^o ten gentilmen and a hundred our fellowes will vndertake the
deliverie of your roiall person from the handes of your enemies.
7^o For the dispatche of the vsurper, from the obedience of whom (by
the excommunication of her) we are made free, there bee sixe
nobil gentilmen, all my private frendes, who for the zeale they
beare to the Catholique cause and your Majesties service will
vndertake that tragicall execution. It resteth that accordinge to
theire infinite good desartes, and your Majesties bountie, theire
heroicall attempt may be honorably rewarded in them (if they
escape with life) or in theire posteritie, and that so much I may
be able by your Majesties authoritie to assure them. Now it
remayneth onely that by your Majesties wisdom it be reduced
into methode, that your happie deliverance be first, for therevpon
dependeth our onely good, and that all the other circumstances so
concurre that the vntimely beginning of one ende doe not over-
throwe the rest ; all wich your Maiesties wonderfull experience
and wisdom will dispose of in so good manner, as I dowt not,
through Gods good assistance, all shall come to desired effecte,
for the obtayning of wich, everie one of vs shall thinke his life most
happelic spent.

Vpon the twelfe of this month I wilbe at Lichfild, expectinge your Majesties answer and letters, in redynes to execute what by them shalbe commaunded. Your Majesties most faithfull subjecte and sworne servant,

ANTHONY BABINGTON.

(c) BABINGTON TO NAU.

[6] July, 1586.

There are four copies of this letter in the Record Office, three in English and one in French. Every one of them is attested by a copy of Babington's signature. The French copy includes also a copy of an attestation by Nau. This letter was doubtless sent by Babington to Nau at the same time he sent his letter to Mary, printed above (cf. Nau to Babington, 13 July, 1586. Thorpe's Cal. ii. p. 997). It has reference to Robert Poley who was, at this time, playing the spy upon Babington in Walsingham's interests. Through Poley, Walsingham kept in touch with Babington's movements until a very few days before his arrest. Poley was arrested when the conspirators were taken, and he handed in a long written account of his part in the affair which is preserved at the Record Office (S. P. Mary Q. of S. xix. no. 26.) He was of course never brought to trial, although Walsingham was evidently not sure that he was quite innocent of double dealing.

To M^r Naw, Secretarie to her Majestie.

M^r Nawe, I wold gladlye vnderstand what opinion yow hold of one Robert Pooley, whom I finde to have intelligence with her Majesties occations. I am private with the man, and by meane therof knowe somewhat, but suspecte more. I pray yow deliver your opinion of him.

[Indorsed]:—Julye, 1586. Letters betwene the Q. of Sc. and Anth. Babington.

(d) MARY TO BABINGTON.

17 July, 1586.

This is a copy of the famous letter from Mary to Babington upon which the whole question of her complicity in the plot to murder Elizabeth practically turns. Labanoff found eight contemporary copies of it, of which four are preserved in the Record Office, three in the British Museum and one in France. The French copy of the letter in the Record Office (S. P. Mary Q. of S. xviii. no. 51) includes a copy of the attestations of Babington, of Nau and of Curle. Labanoff believes that this letter is partly genuine, but that certain passages have been interpolated. These passages are inclosed in square brackets. A discussion of Labanoff's views, which have been adopted by many of Mary's defenders, will be found in Appendix III.

The significance of the figures printed along the margin, which are reproduced from the manuscript, is not clear.

Trustie and well beloved ;—Accordinge to the zeale and entier affection which I have knowen in yow towards *the common cause of religion and myne*, havinge alwaies made accompte of yow as of a principall and right woorthie member *to be employed both in the one and the other*, it hath beene no lesse consolation vnto me to vnderstand your estate as I have done by your last, and to have found meanes to renew my intelligence with yow, then I felt greefe in all this while past to be withowt the same. I pray yow therfore from henceforth to write vnto me, so often as yow can, of all occurrences wich yow may iudge in anye wise important to *the good of our affaires*, wherunto I shall not faile to corresponde with all the care and diligence that shall be in my possibilitie. For divers great and important considerations, wich weare here to longe to be deduced, I cannot but greatlie praise and commend your common desire *to prevent in time the*
 10 *desseingementes of our enemies for the extirpation of our religion owt of this realme, with the ruine of vs all.* For I have longe

agoe shewen vp vnto the forrayne Catholique princes, and experience doth approve it, *the longer that they and wee delaye to put hand on the matter on this side, the greater leysure have our said enemies to prevaile and wynde advantage over the said princes*, as they have done against the Kinge of Spayne, and in the meane time the Catholikes here remayninge, *exposed to all sortes of persecution and crueltie, doe daillie diminishe in number, forces, meanes and power*; so as if remedye be not thervnto hastilie providid, I feare not a litle but that they shall become altogether vnable for ever to arise againe and to receyve anie aide at all, whensoever it weare offred them. For mine owne parte, I pray yow to assure our principall frendes, that albeit I had not in this cause any particuler interest (that wiche I may pretende vnto beinge of no consideration vnto me *in respecte of the publique good of this state*), *I shalbe alwaies readye and most willinge to imploye therin my life and all I have, or may ever* 2^o *looke for in this worlde*. Now, for to grownd substantiallyl this enterprise and to bringe it to good success, yow must first examine deeplie ;—

1^o What forces, as well on foote as on horse, yow may raise amongst yow all, and wiche captaines yow shall appointe for them in everie shire, in case a cheefe generall can not be had ;

2^o Of wiche townes, portes and havens yow may assure your selves of, as well in the north, west as sowth, to receive succors from the Lowe Contries, Spayne and France ;

3^o What place yow esteeme fittest and of greatest advantage to assemble the principalle companie of our forces at, and the same beinge assembled, whither and wiche way yow have to marche ;

4^o What forraine forces, as well horse as foote, yow require (wiche wold be compassed conforme to the proportion of youres), for how longe paid, and munition and portes the fittest for their landinge in this realme, from the three foresaid forraine contries ;

5° What provision of money and armor (in case yow wante) yow wold aske ;

6° [By what meanes doe the sixe gentilmen deliberate to proceede] ;

7° And the manner also of my gettinge owt of this land. ¹

Vpon wich pointes, havinge taken amongst yow, whoe are the principall authors and also as fewe in number as you can, the best resolution, my advise is that yow imparte the same
3° with all diligence to Bernardino de Mendoza, embassader leiger for the King [of] Spaine in France, who, besides the experience he hath of the estate of this side, I may assure yow will imploye him selfe therin most willinglye. I shall not faile to write vnto him of the matter, with all the earnest recommendations that I can, as I shall also to anye els that shalbe needfull. But yow must make choise, for managinge of this affaire with the said Mendoza and others owt of the realme, of some faithfull and verie secrett personage, vnto whom onlye yow must committ your selves, to the ende thinges may be kept in more secrett, wich, for your owne securitie, I recomende vnto yow above the rest.

If your messenger bringe yow backe againe suer promise and sufficient assurance of the succor wich yow demaunde, then thereafter (but not soner for that it weare in vayne), take diligent
5° order that all those of your partie on this side make, so secretlye as they can, provision of armor, fitt horse, and readye money, whearewith to hold them selves in readynes to march, so sone as it shalbe signified vnto them by their cheefe and principals in every shire.

And for better coloringe of the matter (reservinge to the principall the knowledge of the ground of the enterprise), it shalbe enough, for the beginninge, to geve owt to the rest that the said provisions are made onlye for fortifyinge your selves, in case of neede, against Puritanes of this realme ; the principals

¹ The Record Office copies read, for "land," "hold."

whereof, havinge the cheefe forces of the same in the Lowe Contries, have (as yow may let the brute goe) desseingned to ruine and overthrowe, at their retorne home, the whole Catholiques, and to vsurpe the crowne, not onlie against me and all other lawfull pretendes thervnto, but against their owne queene
7^o that now is, if she will not altogether committ her selfe to their onlie government. The same pretextes may serve to found and establishe amongst yow all an association and confederation generall, as done onlie for your owne just preservations and defence, as well in religion, as lives, landes and goodes, against the oppression and attemptes of the said Puritans, withowt towchinge directlye, by writinge, any thinge against the Queene, but rather shewinge your selves willinge to maynteyne her, and her lawfull heires after her, vnnaminge me.

The affaires beinge thus prepared, and forces in readines both withowt and within the realme, then shall it be tyme [to sett the sixe gentlemen to worke, taking order vpon the accomplisshinge of their desseinge] I may be sodaynlye transported owt of
8^o this place, and that all your forces in the same time be on the filde to meete me, in tarryinge for the arrivall of the foraine aide, which then must be hastened with all diligence.

[Now for that there can be no certayne daye appointed of the accomplisshinge of the said gentilmens dessignement, to the end that others may be in readines to take me from hence, I wold that the said gentlemen had alwaies abowte them, or at the least at courte, a fower stowte men, furnished with good and speedie horses, for so sone as the said desseinge shalbe executed, to come with all diligence to advertise therof those that shalbe
10^o appointed for my transportinge ; to the ende that immediatlye thereafter, they may be at the place of my aboade, before that my keper can have advise of the execution of the said desseinge, or at the least before he can fortifie him selfe within the howse or carrie me owt of the same. It weare necessarie to dispatche twoe or three of the said advertisers by divers wayes, to the end that if the one be staied, the other may come throwghe ; and at

the same instant, weare it also needfull to assaye to cutt of the postes ordynarie wayes].

- This is the platt, wich I finde best for this enterprise, and the order wheareby yow shuld conducte the same for our comon securities. For sturring on this side, before yow be well assured of sufficient forraine forces, it weare but for nothings to putt your selves in danger of followinge the miserable fortune of such as have heretofore travailed in like occations ; and to take me forth of this place, vnbeing before well assured to sett me in
- 12^o the middest of a good armie or in some verie good strengthe, wheare I may saflye staye on the assemblye of your forces and arrivall of the said foraine succors, it weare sufficient cause geven to that queene, in catching me againe, to inclose me for ever in some hole, forth of the wich I shuld neuer escape, if she did vse me no worse, and to pursue with all extremitie those that had assisted me, wich wold greve me more then all the unhapp might fall vpon myself. And therefore must I nedes yet once againe admonishe yow so earnestlye as I can, to looke and to take heede most carefullye and vigilantlye to compasse and assure so well all that shalbe necessarie for the effectuatinge of the said enterprise, as with the grace of God yow maie bringe the same to a happie ende ; remittinge to the judgement of our principall frendes on this side with whom yow have to deale, herein to ordaine, to conclude vpon this present (wich shall serve yow onlie for an ouerture and proposition) as yow shall amongst yow find best; and to your selfe in perticuler I referre to assure
- 9^o the gentilmen above mentioned of all that shalbe requisite of my parte for the entier execution of their good willes. I leave also to your comon resolutions to advise (in case their desseingment do not take hold as may happen) whether yow will or not pursue my transporte and the execution of the rest of the enterprise.
- 13^o But if the mishap shuld falle out, that yow might not come by me, being sett in the Tower of London or in anie other strengthe with greater garde, yet notwithstandinge, leave not for Godes sake to proceede in the rest of the enterprise, for I shall at anie

time dye most contented, vnderstandinge of your deliverie forth
6° of the servitude whearein yow are holden as slaves. I shall
essaie, that at the same time that the woorke shalbe in hande in
these parties, to make the Catholikes of Scotland arise and to
putt my sonne in their handes, to the effecte that from thence
6° our enemies here may not prevaile of any succore. I wold also
that some sturring in Irland weare labored for, and to be begonне
some while before that anye thinge were done here, to the ende
the alarme might be geven therbye on the flatt contrarie side
that the stroke shuld come from.

Your reasons to have some generall heade or cheefe me thinkes
are verie pertinent, and therfore weare it good to sownde
obscurelye for the purpose the Earle of Arundell or some of his
breathren, and likewise to seeke vpon the younge Earle of
Northumberland, if he be at libertie. From over sea the Earle
of Westmerland may be had, whose howse and name may much,
yow knowe, in the north partes, as also the Lord Pagett, of good
abilitie in some shires hereabout. Both the one and the other
4° may be brought home secretlye, amongst wich some mo of the
principall banished, if the enterprise be once resolute. The said
Lord Pagett is now in Spaine, and may treate there all, wiche by
his brother Charles or directlie by him selfe, yow will committ
vnto him towching this affaire. Beware that none of your
messingers whom yow send forthe of the realme carrie over anie
letters vpon them selves, but make theire dispatches be conuayed
after or before them by some other. Take heede of spies and
false brethren that are amongst yow, speciallye of some preestes,
alreadye practised by our enemies for your discoverie, and in
anie wise, kepe never any paper abowt yow that in anie sorte
may do harme, for from such like errors have some¹ the onley
condemnation of all such as have suffred heretofore, against
whom cold there otherwise have bene nothing proved. Discover
as litle as yow can your names and intentions to the French

¹ The Record Office copies read " come. "

ambassador now lieger at London, for althowghe he be, as I vnderstande, a verie honest gentilman, of good conscience and religion, yett feare I that his master intertaineth with the Queene a course farre contrarie to our dess[eig]nementes, wich may move him to crosse vs, if it shold happen he had anie particuler knowlege therof.

All this while past I have suted¹ to change and remove from this howse, and for answer the castle of Dudleye onlie hath beene named to serve the turne, so as by apparance, with in the ende of this sommer, I may goe thither; wherefore advise that so sone as I shalbe there, of what provision may be had abowt that parte for my escape from thence. If I staie here, there is for that purpose three meanes followinge to be looked for;—the first, that at one certaine daie, appointed in my walkinge abroad on horsebacke on the moores betwixt this and Stafforde, wheare ordynarilie, yow knowe, verie fewe people doe passe, a fiftie or threescore men, well horsed and armed, come to take me there, as they may easelye, my keper havinge with him ordinarilie but eighteene or twentie horsemen, onlie with dagges. The seconde meane, is to come at midnight, or sone after, to sett fire in the barnes and stables, wich yow knowe are neare to the howse, and whilest that my gardian his servantes shall runne
11^o forth to the fire, your companions (having everie one a marke wherby they may knowe one another vnder night) might surprise the howse, where I hope, with the fewe servantes I have abowt me, I were able to give yow correspondence; and the third, some that bringe cartes thither, ordynarilye cominge earlye in the morning, their cartes might be so prepared and with suche carteleaders, that beinge just in the middest of the greate gate, the cartes might falle downe and overwhelme, and that thervpon yow might come suddainelye with your followers to make your selfe master of the howse and carrie me awaye. So yow might do easelye before that ever aine number of soldiars (who lodge in

¹ The Record Office copies read "sued."

sundrie places forth of this place, some halfe and some a whole mile of) might come to the releefe.

Whatsoever issue the matter taketh, I do and will thinke my selfe obliged as longe as I live towards yow for the offers yow make to hazard your selfe, as yow do, for my deliverie, and by anie meanes that ever I may have, I shall do my endeavour to recognise by effectes your desartes herein. I have commaunded a more ample alphabett to be made for yow, wich herewith yow may receive. God Almightye have yow in protection. Your most assured frend for ever, &c. Fayle not to burne this present quicklye.

[*Indorsed*]:—17 Julye, 1586. The Q. of Scottes to Anth. Babington.

(e) BABINGTON TO MARY.

3 August, 1586.

Four copies of this letter exist in the Record Office, three in English and one in French (S. P. Mary Q. of S. xix. nos. 9-12). It was the last letter that Babington wrote to Mary before his capture. Babington was probably quite right in accusing Maude of treachery, but it was of course not Maude, but Babington's own letters, which revealed his plans to the English Government.¹

Your letters I receaved not vntill the xxixth of Julye. The cause was my absence from Lichefeld, contrarie to promise. How dangerous the cause therof was, by my next letters shalbe

¹ This man Maude is an elusive fellow, and probably if more could be found out about him, more light could be thrown upon this whole matter. Camden declared that he was one of Walsingham's spies and that he accompanied Ballard on his voyage to France and wrung from him all his secrets (*Annals of Eliz.* (ed. 1635) p. 302). Robert Poley in his confession (S. P. Mary Q. of S. xix no. 26) said that Babington told him that Maude and Ballard went to France together. This confirms Camden's statement in part. It appears also from the confession of one Tipping, a man who was examined in connection with the Babington plot, that Maude accompanied Ballard when he went north

imparted at large. In the meane tyme, your Majestie may vnderstande that one Maude (that came out of France with Ballarde, who came from Mendoza concerninge this affaire) is discovered to be for this state. Ballard acquainted him with the cause of his comminge, and hadde employed him of late into Scotland with letters; by whose trecherie vnto my extreame danger my selfe have beene, and the whole plott is like to be brought; and by what meanes wee haue in parte prevented, and purpose by Godes assistance to redresse the rest, your Majestie shall be by my next letter informed. Till when, my Severainge, (for His sake that preserveth your Majestie for our comon good) dismaye not, neither dowl of happie issue. It is Godes cause, the Churches and your Majesties, an enterprise honorable before God and man, vndertaken vpon zeale and devotion, free from all ambition and temporall regard, and therefore no dowl will succede happelie. Wee have vowed and wee will performe or dye. What is holden of your mo propositions, together with our finall determinations, my next shall discover. In the meane time, restinge infinitely bound to your Highnes for the great confidence it hath pleased yow to repose in me, wich to deserve by all faithfull service, I vowe before the face of our Lord Jesus, whom I beseech to graunte your Majestie a longe and prosperous rainge, and vs happie successe in these our vertuous enterprises. London, this third of August.

[*Indorsed*] :—3 August, 1586. Anth. Babington to the Q. of Scottes.

in June 1586 (cf. Summary of Confessions. S. P. Mary Q. of S. xix no. 91 p. 28). Neither of these witnesses however confirms Camden's statement that Maude was a spy of Walsingham. Yet the presumption is that such was the case. The strange silence in regard to him is significant. Though accused by both Poley and Tipping, he was never called into question. This curious neglect of his case struck Edward Windsor, one of those who were more or less implicated in Babington's schemes but who escaped death to suffer imprisonment in the Tower. On the 30th of May 1587 he complained bitterly in a letter to Sir Christopher Hatton that though Maude had been, first to last, deeply implicated in the conspiracy, he had never been brought to trial (R.O. S.P. Dom. cci, no. 50).

X

SIX LETTERS FROM LORD BURGHLEY TO SIR
CHRISTOPHER HATTON.

September 1586.

[Egerton MSS. 2124, ff. 27-36.]

These letters are all written in Burghley's own hand. They fall within the period of time between the discovery of the Babington plot and the trial of Mary Stuart and they throw considerable light upon the attitude of Burghley towards the Scottish Queen at the time, upon the methods he and others of the Privy Council used in gathering evidence against her, and upon the reluctance of Elizabeth to come to any definite decision in regard to Mary's case.

(a) BURGHLEY TO HATTON.

4 September, 1586.

This letter has particular reference to the accumulation of evidence against Mary. It reveals the fact that Burghley, over a month before her trial, had adjudged her guilty, and it leaves no doubt upon the point that her secretaries, Nau and Curle and Pasquier gave their testimony against her under constraint, if not under torture.

Sir, I hartely thank yow for your comfortable lettre so effectually expressyng hir Majesties kyndnes in allowyng of my servyce, being not answerable to my dvyty but in good will, and in favoryng me from labor with my evill foote, which notwithstanding is and shall be with the rest of my body without any respect of payn at all commandmentes for her service. I will expect your comyng at my Lord Chancellors at 2 on Mondaye. Sence your departvr Dvn,¹ that lay so long in the myre without

¹ Henry Donn, one of Babington's fellow conspirators, was tried with Babington and others at Westminster on the 13th and 14th of September, 1586.

styrryng, keppeyng silence obstinatly, hath withovt any torment offred, liberally confessed as much as we conceaved hym guilty of. He maketh larg reportes of all the practises, shvnnyn in phrases as much as he can to accuse hym self of his own maliciovss purpooss, othar than of his knowledg of the whole and that largly.

The 2 Abyngtons ar taken in a shepehoues in Herefordshyr neare Seaborns hous.¹

I thynk Naw and Curle will yeld in ther wrytyng soomwhat to confirm ther Mastriss crymes, but if they war perswaded that them selves myght scape, and the blow fall uppon ther Mistriss, betwixt hir head and hir shulders, suerly we shold have the whole from hir.²

If yow shall bryng any more wrytyng with yow from thence to towch both Naw, Curle and Pasquyre,³ it shall serve vs the better, and spare our threatnings to them.

With them he was condemned of high treason and sentenced to death. He was executed on the 21st of September, 1586 (State Trials I. pp. 1127-1139, 1158-59). His confession as a whole appears to be lost but a summary of it will be found among the Cotton MSS. in the British Museum (Cal. C. ix, f. 381 seq.).

¹ The two Abingtons, or Habingtons, Edward and Thomas, were sons of Jno. Habington of Worcestershire, who was "cofferer" to Elizabeth. Both of them were accused of complicity in the Babington plot. Edward, the elder, was named by Babington to be one of the six appointed to kill the Queen. He was tried upon the 15th of September, and after a defense in which he showed considerable skill, was convicted of high treason. On the 20th of September he was executed (State Trials, I, pp. 1146-50, 1158). His brother Thomas was not brought to trial but was imprisoned in the Tower for six years (Dict. Nat. Biog. xxiii, p. 415). The usual story is that the Abingtons were taken in a haymow near their father's house in Worcestershire. Edward indeed confessed as much at his trial (State Trials, I, p. 1148). Burghley is probably in error.

² This "hir" looks like a slip of Burghley's pen. The sentence would make better sense if for "hir" were read "them."

³ Pasquier was one of Mary's servants. Sir Amias Poulet, Mary's keeper, described him as "half a secretary and much employed in writing, and perchance not unacquainted with great causes" (Morris, Letter-books of Sir Amias Poulet, p. 249). Walsingham ordered Poulet, on the 25th of August, "to send him up under a sure guard..... because it is supposed he was privy to the writing

I thank you most hartely for the comfort of your lettre, knowyng you to be the instrumentall cause of hir Majesties kyndnes expressed in your lettre, whom God preserve long to vse Davides verse ;—Lavdans invocabo Dominum et ab inimicis salva ero.

From my houss at Westminster, wrytt in my bed, but with intent to ryse and to be occupied. 4 Sept. 1586.

Yours so bovd,

W. BURGHLEY.

[*Addressed in Burghley's hand*]:—To the Ryght Honvrable Sir Christofer Hatton, Vichamberlain, Captain of the Gard and of the Prive Counsell to hir Majesty.

[*Endorsed*]:—1586. Westm. Sept. 4. The L. Threr.

(b) BURGHLEY TO HATTON.

12 September 1586.

This letter was written the day before the trial of Babington and his colleagues. Elizabeth evidently feared that Mary's friends might be stimulated to push forward plots in her behalf if they saw her life in imminent danger. Burghley at this time clearly contemplates something "to be executed" upon Mary, probably meaning by that some proceedings to be instituted against her. He and his mistress appear to be quite confident that Babington and his fellows will be convicted and condemned to death.

Elizabeth's desire to dictate the manner of their deaths, "for more terror," reveals, on the face of it, a barbarous instinct in her not quite compatible with what is known of her character. It is possible that the revelation of the details of the Babington plot may have bred in her a kind of terror. One is tempted to conjecture that she used this device merely as another method of delaying the proceedings.

of these letters that were in cipher" (Morris, p. 272). Pasquier was examined on the 2nd of September and again on the 30th, and he wrote out a confession on the 8th of October (cf. Thorpe, *Scot. Cal.* ii, pp. 1009-1014), but his testimony, being relatively unimportant, was never used.

Sir, Hir Majesty suddenly here falleth into an opinion, that if any thyng shuld be to morrow be [*sic*] gyven in evidence ageynst the Scottish Quene wherby it might be thought that she shuld be criminally tovched for hir liff, it might be perillouse to her Majesties person now presently befor any thyng shold be executed vppon that Queen. Myn answer was that I took it for a resolution allweise that vpon the araynment hir wrytyng to Babyngton and allowance of the attempt shuld orderly fall out vppon charging of hym, and I saw no cause why at the arraynment it shuld not appeare, seying, to the comen sort of all men, it is a thyng notefyed by manny meanes that she had consented, and it was also knowen that she was restrayned, and hir secretaries detayned. Beside this, I thought the inditement that must be red oppenly concerning Babyngtons offence conteyned this poynt. To that she answered, that she thought it was not in the enditement, and willed me to send to know with all spede, so as if it war not ther in conteyned, she had a mind to have no speche therof, a thyng to me very strang. Wherfor I pray yow, Sir, with all spede send to the attorney for the endytment, and to send word hereof with that spede that yow may. Beside this, she commanded me to wryte, that when the judg shall gyve the judgment for the mannor of the deth, which she sayth must be doone accordyng to the vsuall form, yet in the end of the sentence, he may saye that such is the form vsuall, but yet consideryng this manner of horrible treason ageynst hir Majesties own person hath not bene hard of in this kyngdom, it is reason that the manner of ther deth for more terror be referred to hir Majesty and hir Counsell.

I told hir Majesty that if the fashion of the execution shall be duly and orderly executed, by protractyng of the same both to the extremite of the paynes in the action, and to the sight of the people to behold it, the manner of the deth wold be as terrible as any other new devise cold be, but therwith hir Majesty was not satisfied, but commanded [*me*] thus to wryte to yow, to declare it to the judg, and others of the Counsell ther.

And so, making hast because hir Majesty may have answer this daye and hir plesvr also knowe in tyme, I end.

From WyndSOR Castel, 12 of September, 1586, past tenn of clock.

Yours assuredly,
W. BURGHLEY.

[*Addressed in Burghley's hand*] :—To the Right Honorable Sir Christofer Hatton, knight, Vichamberlain to hir Majesty.

[*Indorsed*] :—1586. Windsor, Sept. 12. The L. Threr.

(c) BURGHLEY TO HATTON.

12 September, 1586.

This letter is written on the evening of the same day as the letter preceding. Evidently Hatton had sent a reply to Burghley's letter of the morning. This reply is missing, but the tenor of it may be gathered from the letter which follows. It is apparent from this letter, as from the preceding one, that Hatton was the especial representative of the Queen at the trial of Babington and his fellows, although several other members of the Privy Council were named as well in the Commission of Oyer and Determiner appointed for the trial.

After my very hartly Commendations. I have receaved and shewed the lettre signed by yow and others of her Majesties Prive and Lerved Counsell, and, settinge asyde myn opinion concurring with the tenor of your lettre, I must delyver her Majesties answer resolvt. She semeth to mislyke that the particularetyis of the Scottish Quene lettres war conteained in the indytment, but how soever I allowed therof, and hir Majesty mislykyng, yet now I concluded with hir Majesty ther was no remedy left to change that, and for the prosequytyng therof in delyveryng of the evidence, hir pleasvr is that ther be no enlargement of hir cryme, but breffly declared for mayntenance of the endytment, that she allowed of Babyntons wrytyng or lettre. Nether wold she that ether by my Lord Cobham, your

self, or by any other, any sharp speches be vsed in condemnation or reproof of the Scottis Quene cryme. The only reason that hir Majesty alledgeth is, that when any of hir frendes or partisans shall, by this oppen procedyng, fynd hir in davnger, some what may be attempted to hir Majesties davnger of hir person in the meane tyme.

For the form in the jvdgment, hir Majesty is content it be kept, and so I wrot to daye, but she will that it be added in the end, that nevertheless such an extraordinary cryme deserveth a further extraordinary payne, which is to be left to hir Majesty and hir Covnsell to consider of.

Thus in hast I end, prayeng yow to commvnicate this, or as much as you shall thynk mete, to the rest of hir Majestis Counsell and jvdges.

12 Sept., at night, neare IX of the cloc.

Yours

assur :

W. BURGHLEY.

[*Addressed by Burghley's clerk*] :—To the R[ight] honorable, my verie good frend, Mr. Vicechamberlaine.

[*Indorsed*] :—1586. Windsor, Sept. 12. The L. Threr.

(d) BURGHLEY TO HATTON.

13 September, 1586.

The accidental omissions in this letter (supplied in square brackets), bear evidence that it was hastily written. Burghley appears to be irritated at Elizabeth's interference in the trial of the conspirators and he seems to harbour some suspicion that she is trying to delay the proceedings although he can find in her "no other meaning but a for-sight for surety of hir own person."

Sir, I wrote late yesternight to yow as I took hir Majesties mynd to be, which I thynk was brought to yow in convenient

tyme this morning. Nevertheless this after noone [she] told me that she had sent both Mr. W. Killigrew, and Mr. Tho. Gorge¹ vnto you, but what hir messadges wer I vnderstood not; and whylest she was spekyng hereof, Mr. Gorg cam with your lettre to me, subscribed by all ther in commission sayyng ther wanted Mr. Tresorers name,² and these lettres I red to hir Majesty, maynteaning the reason therof ageynst hir Majesties oppositions. Mr. Gorg also at length declared your procedyng ageynst Savadg.³ And in the end, [she] is pleased that the lerned counsell shall procede in mayntenance and proves of the inditment as afor was ment, withovt any exacerbation or enlargment of the Queen of Scottes cryme more than shall be requisit for mayntenance of the endytment.

And so, wishyng your redy procidyng withovt these kynd of stopps that can not but ingendre inconvenient opinions, although hir Majesty semeth to have no other meaning but a foresight for suerty of hir own person, which God preserve above all ours,

From Wyndsor, xiii Sept., past three.

Yours assuredly,

W. BURGHELEY.

We here that the reports of X (?) shippes of war at Conquest is not trew.⁴

¹ These two gentlemen were Grooms of the Queen's Chamber.

² Sir Fra. Knollys, Treasurer of the Royal Household, who although appointed to the commission for the trial, was not present at it (State Trials I, p. 1129).

³ Savage was one of those indicted with Babington. By his own confession he came over to England in the autumn of 1585 for the express purpose of killing the Queen, but while he delayed, the Babington plot was hatched and he was induced to give over his own plans and to become one of the six designated by Babington to perform the murder (Cf. the summary of his confession in R.O., S.P. Mary Q. of S., xix, no. 91, p. 2). He was tried, condemned and executed with the rest.

⁴ For some time before this the English Government had been alarmed by reports of a fleet preparing in Spain against England. The Earl of Sussex had been appointed by the Privy Council to watch the south coast. On the 9th

[*Addressed by Burghley's clerk*]:—To the R. honorable, my verie good frend, Mr. Vicechamberlain.

[*Indorsed*]:—1586. Windsor, Sept., 13. My L. Threr.

(e) BURGHLEY TO HATTON.

15 September, 1586.

Burghley had been labouring with Elizabeth for some weeks to induce her to appoint a place to which Mary Stuart might be removed and her case heard. The Privy Council wished to bring her to the Tower but Elizabeth would not hear of it. Hertford Castle had also been proposed and rejected as being too near London (cf. Burghley to Walsingham, 9 Sept. 1586. R.O., S.P. Dom., cxcii, no. 28). Fotheringay Castle in Northamptonshire was finally pitched upon. Sir Amias Poulet had been ordered to inspect it on the 26th of August (Morris, p. 273).

Sir, I wrote 2 howres past, what hir Majesty ment for the tyme of execv^{ti}on¹ to be not afor Monday, afor which tyme I thynk yow will be here. Now hir Majesty mislyketh of Woodstock and any other place but Fodrynghaye, so as by her commandment, I have sent both to Sir Amyas Pavlett and to Sir Walter Mildmay, the on to carry hir away, the other to provyde for hir bestowyng.

How long this determination will last I know not, but I have sett it onward, and if farder tyme be delayed the Parlement will com befor the Lords can well return.²

of September he reported the arrival of a Spanish fleet at "Conquest" (Le Conquet, a small town with a good harbour at the western extremity of Brittany, not far from Brest) (Cal. Dom. 1580-90, p. 352). The Privy Council at once sent orders to him to keep close watch upon the Spaniards and to prepare the coast for defence (Acts of Privy Council, xiv, p. 216). Burghley's postscript no doubt has reference to this. He was right, the report was untrue.

¹ Burghley evidently means by "execution" here, the removal of Mary from Chartley to Fotheringay. On the 25th of September Poulet wrote from Fotheringay that he had accomplished the removal (Morris, p. 293).

² Parliament had been prorogued and was to meet again on the 15th of October. Burghley was afraid that it would reassemble before the Lords appointed to try

The Queen of Scottes swereth by hir fayth, and with no gretar othe, that it is not trew that she sent any lettres to Babyngton, and if Naw or Curle saye so, it is by constraynt of the rack. She justifieth that she, being a prisonar, might practise hir scape and for the invasion by Catholiques, that she might leage with the Catholick princes as well as the Queenes Majesty hath doone with hir son, the King of Scottes.¹

And so, havynge my handes fullar than I can delyver by Mr Secretoryes infyrmitie,² I am constreyned to scribe in hast. xv Sept., hora 2^a post meridiem.

Yours assuredly,

W. BURGHLEY.

[*Addressed by Burghley's clerk*]:—To the Right honorable, my verie good frend, Mr Vicechamberlaine.

[*Indorsed*]:—1586. Windsor, Sept., 15. The L. Threr.

(f) BURGHLEY TO HATTON.

16 September, 1586.

The first paragraph in this letter refers to the affairs of the Low Countries where the Earl of Leicester, who commanded the English forces there, partly by reason of his own incapacity, and partly because he received no adequate support from home, was having a hard time of it. Early in September he had returned Thos. Wilkes, whom Elizabeth had earlier sent to investigate the situation in the Low Countries, with instructions to lay the whole case before her. Wilkes arrived in London before the 12th of the month (Leicester Correspondence, p. 411).

Mary could accomplish her trial and return to London, so that the course of their proceedings might be submitted to Parliament (Cf. Burghley to Leicester, 15 Sept., 1586. Leicester Correspondence, Camden Soc. 1844).

¹ This statement by Mary of her innocence was probably made to her keeper, Sir Amias Poulet. As yet, she had not been formally examined.

² Secretary Walsingham wrote to Poulet on the 5th of September;—"I am now absent from the Court by reason of an inflammation that I have in my right leg, grown of the pain of a boil that is risen in it" (Morris, p. 286).

The order for Mary's removal to Fotheringay was apparently sent by Walsingham to Poulet on the 12th of September (Morris, p. 292). Thirteen days afterwards Mary was safely bestowed there, Poulet having accomplished the removal much quicker, it appears, than Burghley had anticipated.

As Burghley intimates here, the commissioners appointed to try the Queen of Scots held a preliminary meeting on the 27th or 28th of September (cf. Burghley to Walsingham, 27 Sept., 1586, in Record office Museum) to examine the evidence against her. The time for the assembly of the commissioners at Fotheringay, which Burghley here writes to be fixed for the 5th of October, was subsequently postponed until the 11th (Acts of P.C. xiv, p. 237).

Sir, because I hope yow will be here to morrow, I wryte the less. Thovgh manny thynges fall vppon me here, by M^r Secretoryes infirmytes, yet I fynd no cause so intrycat, and vnresoluble as to determyn what shall be to be doone vppon M^r Wylkes report of the state of the Low Countreys, as at your comyng is to be seene.

Hir Majesty hath determyned Forthryngay to be the place for the Scott Queen and hir case to be herd. Order is gyven for hir remove, so as she is to be at Fothryngay on Michaelmas even at the fardest, and our first assembling at Westminster must be the 27.

And I thynk we ar to be at Fodrynghay the vth of October, and I thynk yow ar lyk to be, if yow lack not of your will, at Holdenby¹ about the 3 or 4th.

From WyndSOR Castle, xvi Sept., 1586.

Your assured lov[ing] fr[iend],

W. BURGHLEY.

[*Addressed by Burghley's clerk*] :—To the R[ight] honorable, my verie good frend, M^r Vicechamberlaine.

[*Indorsed*] :—1586. Windsor, Septem., 16. The L. Threr.

¹ Holdenby in Northamptonshire was one of Hatton's manor houses. He had conveyed it to Elizabeth in 1571, but had received it back from her again in lease. (Baker. Northants, i, p. 195). Probably Burghley meant to write "I think *we* are lyk to be etc." in place of "I think *you* are lyk to be etc."

XI

SIR CHRISTOPHER HATTON'S NOTES ON THE
BABINGTON PLOT.

[September, 1586].

[Egerton MSS. 2124, ff. 43-44.]

These notes are in Hatton's hand. He was the spokesman for the government at the trial of Babington and his accomplices and probably he drew up these notes for use on that occasion. The various projects against the government enumerated here seem to have been entertained at one time or another by the conspirators, as appears from the summary of their confessions in the Record Office (S.P. Mary Q. of S. xix, no. 91). They were embodied by Hatton in the general charge which he made against Babington and his fellows at their trial (State Trials, I, p. 1140).

Invation with the assistance of cyvell rebellion.

The destruccion of our natural souerayn. And that was plottyd by iii seuerall meanes.

The setting ypp the Scott Queen and the aduauncyng of the Catholike religion.

The massaker of the Lords in the Starr Chamber.

Other partyculer lordes should haue byn slayn and ther landes devided too the conspirators.

London sackyd.

The welthy subjectes of the realme spoylid.

The artelerye and great ordinance chokyed.

The shippis burnyd.

Killyngworth castell surprisid.

The surprisinge of the Queenes person.

The enymys on whom and by whom this foundation is layd and this complott wroughte

Are ;—
 The Scot Queene,
 The Poope,
 The Kinge of Spayn,
 The Jesuites, etc.,
 And the Papistes at home,
 And ther ministers, as apperythe.

[*Indorsed in a clerk's hand*] :—Your Honors notes of the principall poinctes of the conspiracie.

XII

SERJEANT PUCKERING'S NOTES ON THE CASE AGAINST MARY STUART.

29 September, 1586.

[Egerton MSS. 2124, ff. 50-54.]

John Puckering, Speaker of the House of Commons in 1584 and again in 1586, was named Queen's Serjeant, probably in the latter year. He spoke for the crown in the trial of Babington and his colleagues and he may have been present at the trial of Mary Stuart, although his name is not mentioned in the official account of the trial. These notes would seem to indicate that he was present and that he assisted in the prosecution. It is to be observed that though they are written in a contemporary clerkly hand, they are endorsed by Hatton. Probably Puckering supplied Hatton with a copy of them to assist him in preparing the speech which he delivered against Mary in the House of Commons on the 3rd November, 1586.

Francis Throckmerton, Saieth where there was a purpose
 1583 ;— of foreyne invasion to be made into this
 realme and Catholiques were sounded to give ayde, the pre-
 tence therof to be not to alter the gouernemente but to reforme

religion, but the bottome of it was if tolleracion of religion might not be had without alteracion of the govermente, that the Q[ueene] sholde be removed and the Q[ueene] of Scottes put in her place.

He further saieth that he, having intelligens and a cypher with the Q[ueene] of Scottes, she, about June 1583, wrote to hime that if her treatie with the Queenes Majestie for her libertie did not succede, then she referred her cause to the good consideracion and proceeding of the Duke of Guyse who had vndertaken and promised to deale in it; and if her hope of libertie by this treatie sholde appere to be frustrate, *she willed Fra[ncis] Throck[merton] to learne what hope here was to be had of backing of any forces to be sent hither.*

He saieth that it was a pryncipall matter of debat beyond sea, howe the Q[ueene] of Scottes shoulde saffelye be deliuered at the time of the invasion and the lacke of resolucion therof was the pryncipall staye of thexecucion.¹

The Q[ueene] of Scottis, 9 Octobr, in the 26 of her Majesties reigne, wrote to Sir Frauncys Inglefeild that she neither had hope, nor loked for any good issue of the treatye with the Queenes Majestie for her libertie, and therefore willed, whatsoever sholde becommen of her, *to let thexecucion of the great plotte and disseignment goe forewarde*, without any respect of perill or danger to her, prayeng hime *to vse all possible indeavour to procure, at the Pope and Kynges Catholiques hande, such a spedie execucion of there former designmente*, that the same might be effectuated the next springe (which was, as Naw explaneth it, to bringe in forreyn forces and to deliuer the S[cottish] Q[ueene]).²

¹ Cf. the official account of the Throgmorton plot which was printed in 1584 (Harl. Miscell. (1808) iii, p. 190). This account is, however, very vague and unsatisfactory upon the point of Mary's connection with the plot.

² Burghley refers to this letter in writing to Walsingham on the 4th of October,

Jan. 1585. Sir. Fra. Inglefeild wrote to the Q[ueene] of S[cottes] that he had imparted her said petition to the Kynge of Spayne and had therewith shewed that to the Kinge many dangers she then stode in, and that if she perished, it colde not be but veraie sclanderous and infamus to his Cath[olik] Majestie, because he, beinge (after her) the nerest Catholik that was to be found of the bloud royall, shold euer be subiect to the fals suspicion and collumpniacion of leaving and abandoning her to be devoured by his competitour, for makinge the waye more open to his clayme and intrest.¹

A litle before Easter last Ballarde went over into Fraunce, and within a fortnight after Easter conferred with Cha[rles] Paget and Mendoza about forreyn invasion to be made into this realme, saienge now was the tyme, the Erle of Leyc[ester] being out of England with the chief capteynes and the discontentment of the people at home considered. But Cha. Paget said it wolde not prevaile so long as the Q[ueenes] Majestie lyved. But in thend it was resolved of invasion to be made, and therupon Ballard was dispatched into England to sounde the Catholikes for aide to the invasion, and for fyttte portes and landing places for the invadours, and for to procure saffe deliury of the Q[ueen] of S[cottes] at the tyme of the invasion, and tooke an oath there for performance of that he had in chardge.²

After Ballard retorned into England and came to London on Whitsondaie, being the xxiith of Maye.

1586 (Cotton MSS. App. I, f. 146) which he says "is in cipher and, I think, in French." No copy of it appears to be preserved. Nau's explanation referred to will be found in his Memoir to Queen Elizabeth, 10 Sept. 1586 (Labanoff, vii, p. 196 seq.).

¹ Cf. Englefield to Mary, 2 Jan. 1584/5 in the Record Office (S.P. Mary Q. of S. xv, no. 4). It will be found in this case, as in the citations following, that Puckering has adhered to his sources with scrupulous accuracy.

² Chas. Paget gives an account of Ballard's visit in a letter to Mary of 11th May, 1586 (Murdin p. 516).

In the meane tyme, the Q[ueen] of Scottes had wrytten to Cha. Paget her lettres, dated 20 Maij, to move Mendoza by sondry reasons she settles downe to stirre the K[inge] of Sp[aïne] to invade Ingland, beinge in her opynion the suerest and redyest waye to be rydde of the Q[ueenes] mallice ;¹

Recytinge Don Johns opynion, that there was no other waye to settle the K[ing] of Sp[ain] in the Lowe Contrye &c. then by reestablishing this realme vnder a prynce his freind, which he saieth he hath cause to thincke of, least a Protestant, succeding her, maye assaile hime and his sonne from hence ; offeringe to drawe her sonne into the entrepryse or, if he will not, to make the Catholikes of Scotland joyne therin, and to delyuer her sonne into the handes of the Pope or K[inge] of Sp[aïne] to make hime a Catholique, or else he not to haue the crown ;

Wyshing Cha. Paget, if Mendoza take holde of this ouerture, that then he wryte to Lord Clawd Hamelton, to drawe the Cath[olikes] of Scot[land] to be at the K[ing] of Sp[aines] deuocion against England ; and vpon answer that the K[ing] of Sp[aïne] will confyrme to ther desseigne, then to will the Lord Claude (if he cannot drawe the K[ing] of Scottes to this entrepryse) to seaze his person and to delyuer hime to the K[ing] of Sp[aines] handes or the Popes ;

Promysinge the Lord Claude to establishe hime in the succession to the Crowne of Scotland if her sonne dye without issue.

She also wrote another lettre of the same date, 20 Maij, to Mendoza.²

Another thinge depending therof, she reserved to wryte to hime self and to be sent to the King of Sp[ain] and none else to be pryvie to it.

¹ Mary to Paget, 20 May, 1586 (Labanoff, vi, p. 309).

² Mary to Mendoza, same date (Labanoff, vi, p. 309).

And that is, considering her sonnes obstinacye in heresy and the danger like to ensewe therbie to the Cath[olik] Chirche, he succeding in this crowne, she hath resolved, if her sonne be not reclaymed to the Chirch before her death (as she hath smale hope so longe as he remayne in Scotland) to geve and graunte her right to the Kinge of Spayne in the succession of this crowne by her last will and testamente, praieng hime to take her henceforth wholie into his proteccion and likwyse the state and affaiers in this contrye.

She desyreth this to be kept secret, for if it be revealed it wold be in Fraunce losse of her dower, in Scotland cleare breach with her sonne, and in England her totall ruyne and distruction.¹

Ballard, being thus comme into England on Whitsonday, veraie shortlie after dealeth with Babington about the matters of the said conspyracye, and Babington said it wolde hardlie prevaile duering the Q[ueenes] lief. But Ballard said that difficultie wold easely be taken awaye by meanes alredye laid, that Savage had vndertaken and vowed to kill the Q[ueenes] Majestie.

Then Babington, vndertaking to deale in the cause, laied the plotte for killing her Majestie, to be donne by vj rather then by one alone, least perhaps it might myscarrie in thandes of one alone ; and that Savage sholde forbear to doe it alone and to be one of the vj other which he had prepared (which Savage agreed vnto).

Bab[ington] also laied the plotte for invasion, for portes to lande at, and for deliuerye of the S[cottishe] Q[ueene], and for assistance to be levied here.²

¹ Mary to Mendoza, just cited.

² These passages concerning Ballard's dealings with Babington are evidently drawn from Babington's confession (cf. Calthorpe MSS. Vol. xxxi, f. 218 seq.).

About this tyme, videlicet,—29 May, Cha. Pa[gett] wrote a lettre of the same date to the Q[ueene] of S[cottes], conteyninge an advertisement of Ballardes being in Fraunce and his dispatch againe into England ; that the pryncipall pointz geuen hime in chardge was ;—

That the saftie of her persone might be wel contynued,
And to haue her deliuered &c.,
A purpose of forreyne aydes,
To move assistaunce in England therunto,
To knowe what portes most fytt for landing the invadours,
(which he thought wolde fall out to be in the north),

And the forreyne ayde sholde comme by the Prynce of Parma with such expedicion, and so farre beyonde the expectation of the Q[ueen] of England, as it will wonderfullie vex her, for that she doth not so much as dreame of that course, but thinketh that whatsoever is intended shalbe performed from Sp[aïne].¹

The Q[ueene] of S[cottes], 22 Junij last, wrote a lettre to Bab[ington] conteyning ;—albeit it were long synce she hard from hime, as likewise synce he hard from her against her will, yet was she alwaies and euer wilbe myndfull of the effectuell affection he hath shewed towards all that concerne her, praieng hime by this bearer to sende her such packettes as, synce the ceasing of there intelligens, are comme to his hand (if they be with hime).

Bab[ington], by the same messenger, wrote a lettre to her of the coming ouer of Ballard, a man of singuler zeale to the Cath[olik] cause and her Majesties service ;

Of thentencion beyond the Seas for deliuerance of this contrye and her saftie,

That ther was to be advised in this great accion ;—

1. First, assuring of invasion, sufficient strengthe in thenvadours,

¹ Cf. p. 55 n. 2.

2. Portes to aryve at apoynted, with a strong partie at euery place to joyne with them and warrant there landing,

3. Her deliuerance &c.,

4. The dispatch of the vsurping competitour,

Desyring her direction and authoritie to enhable such as maye advance the affaires,

Promising that hime self with tenne gentlemen and c there followers will vndertake deliuerie of her person from her enymies,

That for the dispatch of the vsurper (from the obedience of whome by thecommunication they are made free) there be six noble gentlemen, his freindes, will vndertake that tragicall execucion,

That according to ther infinite good desertes and her bountye, there hereticall [*sic*] attemptes may be honorablie rewarded, and that so much he may *be hable* by her authoritie to assure them.

The Q[ueen] of Scottes, the 27 of Julie last, wrote answer to Bab[ington] conteyning her commending of his deserte [?] to prevent in tyme the designe of there enymies for theextirpating of religion ;

Assuring that she will therin employe her lief and all she maye ;

And to grounde substauncialie thentreprise, to bring it to good successe, advised him to examine deplye ;—

1. First, what forces on horse and on foot maie be raised here, what captaynes in euery shire in case a chief generall cannot be had ;

2. What portes may be assured in the northe, west and south to receyve succors from the Lowe Contreys, Spayne and France ;

What place fittest to assemble the pryncipall forces and which waie then to march the same ;

What forreyne forces on horse and on foot they require, for how long to be paide ;

What municion, monney and armour (if they lacke) they will aske ;

3. By what means doe the vj gentlemen deliberate to procede; That having taken there best resolucion in these poyntz, they might imparte with all dilligens to Mendoza, to whome she will wryte of the matter with all earnest commendacion, and when they shall haue receyved assurance of forreyne succour,

Then secretlie to levie all forces they maie, to be reddye when they shalbe called, colloring the same,—onlie reserving to the principalls the knowledge of the growndes [of] thentreprise,—to be to fortifie them selves in case of neede against the Puritans, the principall wherof, as you may let this brute goe, deseigned to ruyne and overthrowe at there retorne the whole Catholiques and to vsurpe the crowne, not onlie against her, but against there owne Q[ueen], which precepte may serve to establishe emongest you an associacion against thattemptes of the Puritans, without towchinge by wryting any thing dyrectlie against the Q[ueen], but rather shewing your selves willing to maynteyne her and her lawfull heires, vnnaming her (the said Sco: Queene).

Thaffaires beinge prepared and in redines both without and within the realme, then shall it be tyme to set the six gentlemen to worke, taking order, vppon there accomplishment of there designe, that she may be soddenly transported out of the place &c., and that all there forces be in the feild to meete her, tarrieng for the forreyne ayde, which then must be hastened with all dilligens.

She wold that the gentlemen had alwaies about them or at courte 4 stoute men with good and spedye horses, to passe by seuerall waies to geve advertisment so sone as the designe shalbe executed, to thend that those that shall transporte her may be with her before her keeper can knowe it, or at least before he can fortifie in the howse or carry her from the howse, and it were needfull to assaie to cut of the ordinerye postes ;

That to styrre before they be assured of forreyne ayde were dangerous to them, and more sufficient cause geven to that Q[ueen] in catching her agayne, to enclose her vp forever in somme hold out of which she shold never escape, if the Q[ueen] did vse her no worse.

To Bab[ington] hime self she referred to assure the gentlemen aboue mencioned of all shalbe requisite for thentyre execucion of there good willes.

If the designment doe not take holde (as maye happen) she levethe to there resolucion whither they will (or not) pursue her transport.

That she will assaye at the same tyme the worke is in hand here, to make the Catholiks of Scotland arise, and to put her sonne in there handes, wherby there enymies here may have no succour.

She wisheth some stirre in Ireland were labored, to begynne some while before any thinge be donne here, to thende the alarum be geven therbye on the flat contrary syde that the stroke shold comme from.

She settes downe three meanes of her deliuerance ;—

1. To take her awaie in the moores when she shalbe to recreat her self ;

2. To sett styrre in the outhouses to drawe her keper and his people thether whilest forces fetch her awaie ;

3. By ouerwhelming a carte in the gate somme morning, that it cannot shutt against those that shall take her awaie, before her garden be comme about her. ¹

She wrote a lettre the same 27 daie of Julie to Cha. Pa[get], signifieng that after Ballardes comming over the Catholikes had

¹ Cf. Mary's correspondence with Babington, printed above.

imparted to her there intencion confyrmable to that which he before advertised her, but much more particulerlie, asking her dyrection for thexecucion of the whole ; and that she made them a veray ample dispatche, conteyninge poynte by poynte her advise in all thinges requisite, aswell for this syde as without the realme, to bringe the designement to good effect ; and wold haue sent hime a coppye of her dispatche to the Catholikes, but that she is suer that by this messenger he shall know more then she can recyte ; and willeth hime (for manye reasons which she settithe downe) to further the forreyne forces.¹

She wrote the same 27 daie of Julie to Sir Fra. Inglefeilde that she feareth the brute that runneth of a peace betwene the K[ing] of Sp[ayne] and this Q[ueen] will retyre many to pursewe the designment of an entrepryse of newe adressed here. She maketh hime privie of the intelligens she had from the Catholikes and her ample dispatch, gyving her advise poynte by poynte in euery thing necessary for thexecucion therof ; that she hath clered the difficultye heretofore objected for her escape and hopeth to execute the same assuredlie, as she hath designed it.

She dyrecteth hime to sollicyte forreyne forces, &c.; further, that if a peace be concluded in Fraunce, her cossen, Duke of Guyese, havinge alredy great forces, may employ the same on the sodayne before this Q[ueene] can be aware therof.

From Scotland she will practise that the enymies shall haue no succours ; that she can geve no assurance of her son, she fyndeth hime so varriable, she feareth the league that he hath lately made with this Q[ueene] doth offende all Catholik prynces, and willeth to excuse, vppon the power and authoritie

¹ Labanoff, vi, p. 400.

which the Erle of Angwishe and his adherentes haue in that contrye.¹

She wrote the same 27 of Julie to Mendoza, howe she joyed that the K[ing] of Sp[aine] wold nowe reforme injuries; that his long sufferance had puffed vp his enymies and made them insolent and had much dismayed the Catholikes; that it greued her that within this six monethes Catholikes compleyned to her, and she refused to advise to helpe them; that nowe she advised them to send one from emongest them, and will faithfully accomlishe &c., praienge hime to geve credyte &c.;

That she will assure her owne deliuerie yf there may be aides from abroade.

She geveth thanckes for the 12^m crownes had from the Kinge, which shall be only imployde about her deliury, and for Mendoza, his care of hime [*sic*], she is indebted to hime &c.²

She wrote the same 27 daie of Julie to the Bishopp of Glasco that the Catholikes were neuer more vniuersaly better disposed; they sett downe there reste vpon it.

She informeth hime of the plottes, wyshinge hime to deale with the Pope and the Catholike Kinge, and she will deale for Scotland &c.

She wold knowe of the Duke of Gwyres if he can performe as he promised, and if a peace be concluded in France, to send over his forces hither.³

(But of these and much more cannot certenlye be geven, this lettre beinge in French, not translated yet).

She wrote also the 27 daie of Julie to the Lord Pagett, to the like effect, to further the forreyne forces.⁴

¹ Labanoff, vi, p. 404.

² Labanoff, vi, p. 431.

³ Labanoff, vi, p. 412.

⁴ This letter is not printed by Labanoff. I have not been able to find a com-

[*Indorsed in Hatton's hand*]:—Mr Sergeant Puckerynge his notes of remembrance in the Scott Queenes cause, the xxixth of Sept., 1586.

XIII

SIR AMIAS POULET TO SECRETARY WALSINGHAM.

[October, 1586.]

[Egerton MSS. 2124, f. 38.]

This paper is evidently the copy of part of a letter written by someone at Fotheringay to someone at the English court, describing an interview with Mary Stuart upon the question as to whether or not she would submit to a trial. It is, perhaps, in the hand of Thomas Wilkes, one of the Clerks of the Privy Council. It has been described as a letter from Lord Burghley to Secretary Davison (Royal Hist. Soc. Trans. 1908, p. 185) but there appears to be no evidence in support of this theory. Burghley certainly conferred with Mary in reference to her trial after his arrival at Fotheringay early in October. There is record of more than one interview which he held with her upon the subject both in the official account of her trial and in the journal of Bourgoing, her physician. But neither of these sources bear testimony to an interview in any such terms as those related in this copy. More probably this is Poulet's account, sent perhaps to Walsingham who was the ordinary recipient of official communications, of an interview held with Mary sometime after she had been informed that she was to be brought to trial. The style resembles Poulet's and the general tone of the letter rather suggests his hand than the hand of a Lord High Treasurer writing to a Secretary. Furthermore, this report harmonizes with other reports which are preserved of interviews between Mary and Poulet in which he urged her to confess her fault and to throw herself upon Elizabeth's mercy (cf. Chantelauze, *Procès de Marie Stuart*,

plete copy of it, but there is an abstract of it in the hand of Thos. Philipps in the Record Office (cf. S.P. Mary Q. of S. xviii, nos. 80, 81). It was produced and read at Mary's trial (State Trials, i, p. 1186).

pp. 484, 494). Bourgoing speaks of such an interview as taking place on the 1st of October (Ibid. p. 494) and perhaps this letter contains Poulet's own account of it.

She awnswered that hir papers weare taken from h[er which]¹ might serue to good purpose; that she was depriue[d of] hir servantes, which of longe time haue had the managing of cawses; that she reme[m]breth a protestacion which she made longe since to the Lord Chancellor, the Lord de la Ware, Mr. Secretarie Wilson and others vnder hir signe,² which she would alwaies avowe, that touching anie matter in conscience she was to answer before God, that in all other causes, she had no other superiour but God; that dukes ought to be tried by there peeres; that she knewe hir self to be a quene; that she would geve noe president that might be to the prejudice of other princes of hir callinge, and that she would not abuse hir self so much to submitt hir self to anie inferiour judgement. I told hir that although she would not yeld to be judged by others, yet the trewth of the fact whearewith she was charged could not be hidden, and after due examinacion would be made manifest to the world, and thearefore she should doe well to discharge hir conscience before God, and in confessinge plaine-lie the wronge she had done to hir Majestie to submitt hir selfe to the good pleasure of God. She said that she had read of a king of this realme which was perswaded to confesse that which he had neuer done, but for hir part she would confesse nothinge of hir self, and that she had neuer procured or assented to anie thinge that might be prejuditiall to hir Majesties person, and therevnto she would stande.

This is hir awnswere, which I retorne vnto you with speed according to your direccion, and bicause I would be owt of danger of after reckninges, I repeated hir whole discourse vnto hir, which she avowed to be agreable to hir speeche.

¹ Manuscript torn.

² Cf. Document II. b.

[*Indorsed in another hand*]:—The Sco: Queene... determinacion for her not arrainement.

[*Second indorsement, same hand as Ms.*]:—Scottishe Queene.

XIV

CHARGES MADE AGAINST MARY STUART.

[1586].

[Egerton MSS. 2124, f. 11-15].

This paper is written in two separate columns. The right hand column contains a list of charges against Mary; the left hand column, which is evidently incomplete, contains a statement of the proofs for some of the charges made. The former is written in a clerkly hand in the ordinary Gothic script of the Elizabethan period, the latter, probably by the same hand, in Italian script. There is an exact copy of this paper written in the same manner and by the same hand among the papers relating to Mary Stuart in the Record Office (Vol. viii, no. 54) which has been wrongly calendared in the Scottish Calendar under the year 1577. It is impossible to fix the date of this paper exactly, but it certainly belongs sometime after the execution of Dr. Parry (March 2, 1584/5) and before the trial of the Scottish Queen (October 1586). Very likely it has some connection with the proceedings against Mary in 1586 although the charges which it lodges against her do not seem to have been brought forward at her trial. It is somewhat surprising to find in it no reference whatsoever to the Throgmorton plot, Mary's complicity in which was well known to the English government.

The association of this paper with so many papers of Sir Christopher Hatton's suggests that it at one time belonged to him. The existence of another copy of it in the Record Office, however, discountenances the idea that he himself was the author of it. Possibly he secured the copy from Walsingham or Burghley for use in drafting his speech against Mary which he made in the House of Commons on the 3rd of November, 1586.

Matters wherewith the Queen of Scottes is to bee charged.

1. First, the taking vpon her the armes and tytyle of England.

2. Secondly, her refusing to ratefie the Treatie at Edenburghe.

3. The practising of a marriage with the L. Darlye without her Majesties consent, bearing her notwithstanding in hand that shee would not marie without her privitie and assent.

This apeareth by the B[ishop] of Rosses booke called A Brief Discourse or Apologie, fol. 10, where he declareth that, being confronted with Barker (who was the only meanes between the Duke and him) and finding by him that all the cheifest matters were confessed and the Queen his Mistressis lettres laid open before him, namely,—the discourse decyphered, with many other lettres partly in cypher and some owt of cypher &c., the said bishop, when he sawe no other remedie but to yeald

4. Her practise for marriage with the Duke of Norffolke without her Majesties privitie.

thereunto, did yet determine with him self to beare all the burden he might, and to excuse all purposes contained in the said discourse so farr as was possible &c.¹

This maie be proued by sondrie messages to and fro between her and the Erle of Northumberland by one John Leuiston a Scott,² Thomas Bishop and his sonne;³ 2, by this, that one Oswald Wilkinson was sent to the Spanish Ambassador by the Bishop of Rosse her Ambassador, to whome he was directed to procure ayde of money and men for the rebellion.⁴

5. Her procuring of the rebellion in the North.

¹ It would seem at first sight that this is a reference to a "Discourse" written by John Leslie, Bishop of Ross, which contains an account of his embassy in England from September 1568 to 26 March 1572, and which is printed in Anderson's Collections (vol. iii, p. 1). This "Discourse" however appears upon careful examination, to contain no such passage as the one referred to in the text. Probably Leslie wrote another, shorter "Discourse" in the form of an "Apology" for his dealings in the Norfolk plot. No complete copy of this appears to be in existence, but there is a paper in the English Record Office (cf. Cal. Scot. iv, p. 73) which contains some long extracts from it, one of which is evidently the original of the passage cited here.

² Cf. the examination of the Earl of Northumberland, June 20th, 1572. The questions asked the Earl are printed in Murdin (p. 219), his answers are preserved among the Cotton MSS. in the British Museum (cf. Cal. Scot. iv, p. 343).

³ Cf. the examinations of Thomas Bishop, May 10, 1570 (Cal. Hatfield MSS. i, p. 468) and May 5, 1572 (Murdin pp. 214-216).

⁴ Cf. Oswald Wilkinson to the Privy Council, Oct. 1572 (Murdin p. 225).

A. This apeareth by certeine examinations taken of the Bishop of Rosse, 26 October 1571 ; that when the English rebelles were fled into Scotland, the said Bishop did write his lettres that they should go ouer into Flaunders and there prouision should be made for them ; & so they did, and the Pope sent them 12000 crownes by her procurement, which somme was distributed amongst them there in Flaunders, where they remained vnder the King of Spaines protection.¹ This apeareth also by that, that the said rebells at their first flying into Scotland weare relieued by her frends only.

6. Her relieving of the rebelles after they weare fled out of the realme.

B. And it is furder confirmed by an Apologie written by the Bishop of Rosse touching his proceedings in the said Queens affaires ;² as also by a relation of the said Bishop of Rosses employment in Germanie, whether he was sent to deale with the Princes &c., as by an abstract of the same is to bee seen.³

¹ This examination of Ross is printed in Murdin (pp. 19-32).

² Cf. p. 68 n. 1.

³ The Bishop of Ross left England late in the year 1573. After spending

C. This appeareth first by lettres of one John Hamilton to her dated at Bruxels the 6 July 1574,¹ wherein it appeareth that he was a principal practiser and instrument for her deliuerie, intended by way of inuasion throughe a complott of the Pope and other princes, that he was to goe into Spaine and otherwise to be employed in those affayres (as it is to bee gathered by the said lettres); D. chiefly, by her owne lettres to the Bishop of Glasco, written in cypher, dated the 6 of November 1577,² wherein shee sheweth her self to bee grieved with the Pope for deferring the meanes of her deliuerance &c., that he should giue the French

7. Her procuring by her ministers foraine princes to invade this realme.

about a year in Paris he went to Rome where for some years he represented his mistress at the papal court. In 1578 he was sent by the Pope to visit certain Catholic princes in Germany in Mary's interests. In the little Protestant principality of Lützelstein, on the eastern border of Lorraine, he was arrested upon the supposition that he was Cardinal Rossano, the papal legate, and his papers seized. Dr. Rogers, an English agent in Germany, tried in vain to get copies of these papers for Elizabeth (*Cal. Foreign Eliz.* 1578-9, pp. 393, 420). Finally in February 1582/3 the Prince of Lützelstein himself sent copies of them to England by an agent of his named Haller (cf. Walsingham to Bowes, 20 Feb. 1582/3, R.O., S.P. Scotland, xxxi, No. 36). These copies seem to have disappeared, but extracts from them will be found calendared under the year 1578 in the *Calendar of Scottish Papers* (vol. v, p. 327).

¹ Cf. *Cal. Scot. Papers*, v, p. 15. The instructions which Mary gave to Hamilton in sending him to Alva are preserved in the Archives at Brussels and have been printed by Labanoff (vol. iii, p. 215).

² Cf. Labanoff, vol. v, p. 3.

king to vnderstand by the meanes of her cosins howe easely thattempt would then bee by reason of a diuision happened amongst the nobilitie, so as the princes, their neighboures, neded not to feare anie matter on this syde, where they might with verie small forces trouble them verie soore, all the Catholickes here being so forward in the matter that the wagging of a finger would putt them into the feild.

And this may bee proued also by the foresaid relation of the Bishop of Rosses employment in Germanie.

The employment of the foresaid John Hamylton apear-eth further by the examinations aforesaid taken of the Bishop of Rosse, where it is said that the said Hamilton brought a message from the Duke of Alua to the said Queen, that when anie thing were attempted for her he would put his hand to yt for soe he had commaundement from the king his master &c.¹

¹ Cf. p. 69 n. 1. The reference to John Hamilton will be found on page 24 of Murdin.

XV

CHARGES OF DOUBLE DEALING AGAINST
MARY STUART AND HER FRIENDS.

[November, 1586.]

[Egerton MSS. 2124, f. 46.]

This paper is written in a contemporary clerly hand. It was made use of by Sir Christopher Hatton in drawing up his brief of the case against Mary Stuart which perhaps formed the basis of his speech against Mary in the House of Commons on the 3rd of November 1586. For that reason, though it is undated in the original, it has been assigned to November 1586.

PRETEND ONE THING AND ENTEND ANOTHER.

In procuring forren forces to invade, and to move forces at home to assyst.

They pretended it for reform of religion :

But Francis Throgmerton sayeth yt was ment to remove our Queene and set vp Queene of Scottes.¹

The Remishe boke pretendes dislike of any attempt to kell her Majestie :

But Savage said that was ment to be but a devise to blere our eyes with, for they gyve yt out secretlye to be lawfull to do yt.²

¹ A full account of the case against Throgmorton was printed by the government in 1584. It has been reprinted in the Harleian Miscellany (1808) iii, p. 190.

² This so called "Rheimish" book was a book written by Edmund Grately and Gilbert Gifford, two priests at the English college at Rheims. These men belonged to the Secular as opposed to the Jesuit faction of the English Catholics, and their book constituted an attack upon the Jesuits. There can be little doubt

Q[ueene] of Scottes pretended a treatye with her Majestie for her libertie :

And vnderhand styrred vp forren invasyon and at home rebellyon, as Throgmerton affyrmethe, by her owne lettres.¹

Q[ueene] of Scottes signed and sealyd thassociacion,² that the Queenes Majestie was lawfull Queen, that she wold pursue to deathe, whosoeuer attemptyd hurt to the Queenes person :

Herselfe hath a booke affyrmynge herselfe to have present title to this crowne before our Queenes Majestie, also her selfe assentythe and encytethe the Queenes Majesties deathe, prouyd by her owne lettres.

Q[ueene] of Scottes wesheth the leuyng of forces here to assist invasyon, and her deliuerie, to be colored for fortifyng the Chatholikes against the danger of the Purytans.³

Q[ueene] of Scottes sekyth help of France :

And yet secretlye wold ley the title of the crowne of

that it was written at the instigation of Walsingham himself. It was begun late in April, 1586 (cf. Aldred to Walsingham, 24th April, 1586. Cal. Domes. Adda. 1580-1625, p. 174) and sent over to England late in June (cf. Foxley alias Grately to Walsingham, 21 June, 1586. Cal. Dom. Adda. 1580-1625 p. 179) and was probably published, although no copies of it appear to be in existence now. It seems to have had no good effect, but it got both Grately and Gifford into considerable trouble later on (cf. Cath. Record Soc. Miscellanea, i, p. 87). Savage said, in his confession, that it had merely been written to "blear the eyes" of the English government. (cf. R.O., S. P. Mary Q. of S. xix, no. 91). Of course it was not generally known that Walsingham had had anything to do with the making of it.

¹ This charge against Mary is amply justified by her own correspondence.

² The "association" referred to here was the so called "Bond of Association," formed to defend Elizabeth's life. It was drawn up in November 1584 by the Privy Council and was signed by the royal officers and the gentry at large throughout England. The "Bond" is printed in State Trials, i, p. 1161. Mary had been allowed to sign it at her own request.

³ Cf. Mary to Babington, 17 July, 1586, printed above.

England, France and Ireland vpon the King of Spayne.¹
Also in her lettre she wold not haue the French embassador priuye to the plott fearing his master a frend to the Queen.²

She wryteth and beryth fayr shew to her sonne, the King of Scottes :

And yet wold haue him surprised and delyuered to the Pope or K[ing] of Spaynes handes to choose how far they will allow hym a Chatholik fyt to haue kingdomes.³

Q[ueene] of Scottes, when she wold haue Lord Clawde Hamelton to serve her turne to make a partye yn Scotland, or to betray the K[ing] of Scottes, to delyuer him into the handes of the Pope or King of Spayne :

Then she willed Charles Paget indyrectlye to tell him she meanythe to establishe him Chatholik successor yn Scotland, yf her sonne haue no yssue.⁴

Sir Francis Inglefield, in his lettre to the Queene of Scottes, sayth that to save her from danger of deathe it is good to occupye the Q[ueene] of England with a conceyte, as before, that her lyfe ys the safetie of the Queene of Englandes lyfe ; wheras they entend by her lyfe all dangers to the Q[ueene] of England.⁵

¹ This charge finds solid foundation in Mary's letter to Chas. Paget of May 20, 1586 (Labanoff, vi, p. 343).

² This sentence is written on the margin in the original. In Mary's letter to Babington of July 17 she warned him not to put too much faith in the French ambassador.

³ Cf. Mary to Chas. Paget, 20 May, 1586, cited in n. I, and also Mary to Arch. of Glasgow, 20 Jan. 1576/7 (Labanoff, vi, p. 345).

⁴ Cf. Mary to Paget, just cited.

⁵ Cf. Inglefield to Mary, Jan. 2, 1584/5 in Record Office (S.P. Mary Q. of S., xv, p. 4).

For all the trust that she seames to repose in Naw, yet when yt comyth to wryte lettres that she will gyve this crowne to Spayne, she wyll not trust him because he ys French.¹

Q[ueene] of Scottes pretendes styr to be movyd in Ireland :
But yt was to withdraw the atencion that way from harkenynge to Flanders and France.²

[*No endorsement*].

XVI

CHARGES AGAINST MARY STUART.

November, 1586.

[Egerton MSS. 2124, f. 48-49.]

These notes, in a contemporary clerkly hand, are nothing more than an abstract of a portion of Mary's letter to Babington of July 17, 1586. Although there is no direct evidence to connect them with Hatton, it may be presumed that they also formed part of his collection of materials for his speech on November 3rd.

Q[UEENE] OF S[COTTES].

1. She hath of longe time practised with forrayne princes and others on this side for an invasion of this realme, ever signifyinge how dangerous theire delaies weare vnto the Catholikes.
2. She gave her consent to the effectinge of everie particuler conteyned in the articles against B[abington] and for the better

¹ This charge, based apparently upon a statement which Mary made in her letter to Mendoza of the 20 May, 1586 (Labanoff, vi, p. 312) to the effect that she had written the letter in her own hand for greater secrecy, is quite upset by the fact that Mary's projected will, conveying her throne to Philip II in case her son should not be converted, is written in Nau's own hand (Labanoff, iv, p. 351 n.).

² Drawn from Mary's letter to Babington of July 17, 1586.

successe, propownded vnto him and his confederates seaven propositions to be deeplie considered of, viz :—

1. What forces, as well on foote as on horse, B[abington] and his companie cold rayse amongst themselves, and what captaines they weare able to appointe in everie shire (named before vnto her by B[abington]) in case a cheefe generall cold not be had.

2. Of which townes, portes and havens they might assure themselves, as well in the north, west as sowth, to receyve succors from the Lowe Contries, Spayne and France.

3. What place they esteemed fittest and of greatest advantage to assemble their principall companie of their forces at, and the same beinge assembled, whither and what waye they should marche.

4. What forrayne forces, as well horse as foote, they required (wich wold be compassed (quod she) conforme to the proportion of yours) for how longe paied, and munition and portes, the fittest for their landinge in this realme, from the three afforesaid forrayne contries.

5. What provision of armor and money (in case they wanted) they wold aske.

6. By what meanes the six gentilmen (wha had sworne to dispatche her Majestie) did deliberate to proceede.

7. The maner how she might be gotten owt of this holde.

3. She willed Babington to conferre with Bernardino de Mendoza vpon the whole enterprise, promising to write vnto him for his best advise as a man of great experience, and that she knewe well he wold most willingly directe him; as also assuringe him to move as manye els for that purpose as neede shuld require for his best assistance.

4. For the necessitie of some noble man to be her generall, she advised B[abington] to sownde the Earle of Arundell (supposinge belike that he had been delivered) or some of his brethren; likewise the yonge Earle of Northumberlande, also from beyonde the seas (quoth she) the Earle of Westemerlande and the Lord

Pagett may be secretlye browht home with some moe of the principall banished.

5. When all things should be managed accordinge to some of her propositions and that they weare assured of sufficient succore, both abroad and at home, she then advised them to provide armor, money &c. as secretly as they cold, that so they might be readye to marche when their principalles in everie shire shuld geve them warninge.
6. Whilest these matters shuld thus have beene woorkinge in England, she councelled that some sturringe in Irland might be labored for and promised to essaye to make the Catholikes of Scotland arise, and to put her sonne into their handes, to the intent that wee might have no succor thence.
7. She willed to haue the grownd of this enterprise knowne onelye to some of the principalles, but in no wise vnto the people ; and that they shuld color their dealinges (as provision of armor &c.) at the begynninge as though they ment onelye to defend the Queene and them selves against the Puritanes ; as also admonished them, that the same pretextes might serve to fownd and establishe amongst them selves an association and confederation generall.
8. All things beinge in this forwardnes and forces in readines both without and within the realme, then she desired that the six gentilmen shuld be sett on worke, and order to be taken that, vpon the accomplishment of their desseingne, she might suddaynlye be transported, and that all their forces in the same tyme shuld be on the filde to meete her, in tarryinge for the arrivall of the forrayne aide.
9. Whearas B[abington] had earnestlye desired that he might by her authoritie promise vnto the said six gentilmen some honorable rewardes, the rather to confirme them in their resolution, she graunted his sute, and bade him to assure them of all that shuld be requisite of her parte for the entier execution of their good willes.
10. She was marvelous carefull for her deliverance, and therefore

willed that those six gentlemen shuld have a fower stowte men attendinge vpon them (especialle in the courte) well appointed with swifte horses, and that when their masters shuld have dispatched her Majestie, they might be sent presentlye by divers wayes (least if one weare taken an other might bringe the newes) vnto those who shuld have beene ordred for her deliverance ; that so she might have beene taken from her keper before he had receyved any intelligence, or at the least before eyther he shuld have removed her to anye other place, or have fortified the same she remayned in. She also advised them, to the same purpose, even at that instant to cutt of the postes ordynarie waies if they cold possiblye.

11. If she shuld have beene transported to Dudley Castle before these matters weare ripe, then she commiteth to B[abington] and his fellowes how to be delivered ; but if she aboade wheare then she was, these three waies she prescribed for her deliverance ;—either to intercepte her by force as she rid to take the aire, to sett the barnes and stables on fire, or els by kepinge the castell gate open with certayne cartes, that so B[abington] might have beene master of it and carried her away with him.
12. She was greatly affraid lest they wold haue altred her methode for their proceedinge, and haue attempted her deliverance before eyther they had a stronge armie in readynes to place her in (which she vtterly forbade) or had dispatched her Majestie. And then (saide she) if that Queene take me agayne, I shall for ever be enclosed in a hole, if she vse me no worse.
13. In case this desseingnement for the dispatch of her Majestie tooke no place, she lefte it to their consideration whether they wold or not pursue her transporte, and the execution of the rest of the enterpryse. But (said she) if the mishapp shuld falle owt that yow might not come by me, beinge sett in the Tower of London, yet not withstandinge leave not for Godes sake to proceede in the rest of the enterpryse.

[*Indorsed*] :—Articles concerninge the Q[ueen] of S[cottes].

XVII

BRIEF NOTES OF EVIDENCE AGAINST
MARY STUART.

November 1586.

[Egerton MSS. 2124, f. 47].

These notes are written in the same hand and probably designed for the same purpose as those foregoing. For the same reasons they have been assigned to November, 1586, although they are not dated in the original.

The principall partes be :

1583. Whilest she entertayned the Queenes Majestie with tretye for her libertye, she wrote to Francis Throgmerton about forren forces and styrring ayd at home.

1584. During the same treatye, she wrote to Sir Francis Inglefyld for the execution of the great plot and former designement of the Pope and K[ing] of Spayne, to be doone in the spring 1586. ¹

²⁰ Maij. This spring, 1586, she fyrst wrote to Mendosa and Charles Paget to styr the K[ing] of Spayne to invade these cuntries, to take her and her affayres into his proteccion whollye, and she wold gyve all her right in this crowne to hym by her last will, and in the meane delyuer her sonne to his handes, and yf during her lyfe he became not a Chatholik, he not to haue this crowne but the K[ing] of Spayne immediatly. ²

¹ This letter, not printed by Labanoff, is in the Record Office (S.P. Mary Q. of S. xvii, no. 75).

² These letters to Paget and Mendoza are dated 20 May, 1586 (Labanoff vi, pp. 309. 312).

²⁹ Maij. Charles Paget wrote to her of Ballardes dispatch out of France, and his dealinges.¹

Babington vndertoke the whole plottes of the tresons.

The Q[ueene] of Scottes, 25 Junij, wrytes to Babington to renew intelligens with him.

Then Babington wryteth to her of the whole plottes of the treasons, desiring her aduise, dyrectyon and authoritye.

She by her lettre alloweth dyrectythe and authorisethe the same ;²

And wryt ouer to Mendosa, Bishop of Glascow, Lord Paget, Sir Francis Inglefeld, Charles Paget, of her dispache to the Chatholikes here, and that they shall further the forren forces.³

[*Indorsed in another hand*]:—Objections against the Queene of Scottes.

XVIII

SIR CHRISTOPHER HATTON'S BRIEF OF THE CASE AGAINST THE QUEEN OF SCOTS.

[3 November, 1586.]

[Egerton MSS. 2124, ff. 39-44.]

This paper is in Hatton's own hand. It contains a brief summary of the whole case against Mary Stuart, based not only upon her supposed complicity in the Babington plot but also upon her supposed complicity in

¹ Chas. Paget to Mary, 11 May, 1586 (Murdin p. 516).

² Cf. the Mary—Babington correspondence printed above.

³ For these letters cf. Labanoff vi, pp. 399, 404, 412.

the earlier plots of Norfolk, of Throgmorton and of Parry. It is apparent that Hatton drew most of his material for this brief from Documents XII, XIV and XV printed above. Indeed, it seems highly probable that he collected many of the foregoing papers for that express purpose. The question remains as to the use to which this brief was put. Hatton can hardly have prepared it for the actual trial of Mary Stuart because he had very little to do with the conduct of that affair, Burghley acting then as spokesman for the government. Most likely Hatton drew it up for the purposes of a speech against Mary which he delivered in the House of Commons on the 3rd of November, 1586 (D'Ewes p. 393). In support of this theory, it is to be observed in the first place that the paper begins, "First, her Majesty's instructions uttered by the Chancellor," which accords with the order of proceeding in the House as set forth in D'Ewes (p. 391); and in the second place, that the second part of this paper, written across the back of the first part, is a briefer summary of the case against Mary, larded with appropriate Latin quotations and headed, "To acquaint the Parliament with the brief sum of the causes."

First, hir Majesties instruction vtteryd by the Chancellor.

The Scottes Queenes cause in proceadyng with the Duk of Norfolk which conteynithe ;—

Rebellion at home ;

Practis for ayde abroad ;

Conspiracy for her delyuery ;

The surprise of the Queen ;

Hir pryvite too the bull of Pius Quintus.¹

After this,

Hir direction that Thockmorton [*sic*] should stir vp the Duke of Gwise to envade vs.

He should enquire of ayde too back the forren forces.

Hir first ambycions and treasonable accions.

Hir next parte is the great favor she shewed Morgan after he had directid Parrye.

Then presently Englefeild must stir vpp the execution of that great plott too bee performyd that next spryng.

¹ Down to this point the brief appears to have been drawn from Document XIV.

Allen enformithe hir that all this should be don by; the Prynce of Parma. ¹

Now Doctor Lewes hathe hir lettre too congratulate with the new Pope and the reasons. ²

The busenes goythe on.

C. Pagett must worke invasion by Spayn.

The surest way too coole the Queenes malice.

Too place here a prynce, his frend, wold settell him in his Low Cuntrees.

Too draw hir son too be a partie or too delyuer him to the Poope or Kinge of Spayn.

The Chatholikes of Scotland must be driuen to thir faction.

The Lord Hamylton, workyng thes effectes in Scotland, shalbe rewarded with the succession of that croune.

Mendoza must enform his master that yf hir son will not becum Catholike, she will devise the succession of this crown to him by will.

That king, therefore, must take hir and thys realm intoo his protection.

THE 2^d PARTE.

Ballard a Cemynary conferrithe with Pagett in France of invasion and all the other treasons and the[y] conclude that nothyng could prevayle iff the Queen lyvid.

But that was satisfyd because Savage then had vndertaken that matter.

Then Ballard was sent ouer who, conferryng with Babington,

¹ Cf. Dr. Allen to Mary, 26 January 1585/6. In R.O. S.P. Mary Q. of S. xvii, no. 74.

² This letter from Mary to Dr. Lewis is not printed by Labanoff. There is a copy of it in cipher in the Record Office (S.P. Mary Q. of S. xviii, no. 60), endorsed by Thos. Phelippes,—“Decifred, 18 July, 1586.” The letter was produced before the Commissioners at their meeting in the Star Chamber (Oct. 25, 1586) to pass sentence on Mary and is mentioned in the account of the proceedings there, printed in the Hardwicke Papers (Vol. i, p. 224 seq.).

delyuer [*sic*] the accompt of his travelles in all the whole treasons.

Hir second malicious
and violent proceeding.

Now will Babington be the whole doer
and director or not meddell at all.

Now he will order that six gentlemen shall doo this horrible
acte and not Savage alone, and they proceade.

Thes matters confessid afore & after ther arrayment.

It was therfore deuised by Pagett and Morgan that a new
intelligence should be revivid betwixt the Queen and B[abbing-
ton].

She writithe therfore with all diligence.

And Pagett, he aduertisith of Ballardes comynge into
England and all the plottes &c. of treasons which the[y]
entendid to execute here, viz. invation, rebellion, &c.

Now writythe Babington too that Queen that Ballard is cum
who had delyueryd ther purposes and intencyons beyond the
seas, viz ;—

Hir delyuery ;

Invasion ;

Rebellion too backe the forren forces ;

Portes too arryve at ;

The dispatche of the competitour ;

Hir auctorytey too enable them too advance the
affayres promisinge ;—

Him selfe with X gentlemen wold delyuer her ;

That six other should dispatche the vsurpres ;

Requirynge ther heroicall attemptes might be honorabely
rewardid.

And of the severall devisers of treasons which Babyngton and
his now confederates handelyd, thus muche &c.

But too the greate person.

She answeythe Babyngtons lettres and that roundly ;

She comendithe his zeale ;

She will spend therein hir liffe ;

She aduisithe them to examyne the enterprise ;— first ,

What forces may be raysid here and what captens ;
 What portes may be assuerred on all sides ;
 And what place fittest to assemble the army ;
 What forren force the require ;
 What munycion, money, and armor ;
 By what meanes the 6 gent. will proceade ;
 After resolucion to emparte all to Mendosa ;
 After assuerance of forren forces, ther owen too be put in
 present redines with all secresie ;
 To culler the same to fortyfye them selves agayne the
 Puritanes ;
 And by that coller too establyshe an assotiation ;
 Thes thynges thus preparyd, it should be good tyme too sett
 the six gent. on worke ;
 Vppon the accomplisment wherof too follow hir delyuery
 with forces too meete and r[e]ceve hir ;
 But the six gentlemen must haue at court iiij stowte men
 with swift horses too aduertise and the[y] must stopp all other
 posts ;
 She refferrythe too B[abington] too assure the gentlemen for
 reward of all thynges requysite on hir behaulfe.
 Yf this cruell designement succede not, she referrithe to them
 whether the will pursue hir delyuery or no.
 When this worke is in hand the Catholickes in Scotland
 shalbe possessid of hir son, and sum stirre in that realme ;
 Sum allarme liwise in Irland.
 She settithe down 3 meanes of hir delyuery, viz ;—&c. ¹

¹ With the exception of the mention of Mary's favour to Morgan after the Parry plot and of her letters to Allen and Lewis, the brief from p. 84 n. 1 to this point is nothing more than an abbreviated form of Serjeant Puckering's notes on the same subject (Document XII) as may be seen by a comparison of the two.

THE PROFFE.

Thes 2 lettres are prouid by Babyng[ton], Balla[rd], Savage, Tychbourn and Dun.¹

Babyngton did voluntarily subscribe too eche page of bothe lettres.²

The Proffes. Bothe the lettres written by the Scotess Queen scyphre and his lettres in euery point assueryd by hir.

The very scyphre fond in hir cabenet at Chartley and after veryfiid and subscribed by B[abington].³

The lettre was empartid with his companions in ther jolitez which the[y] after affarmid soo longe as the lyuid.⁴

Nau and Curle, by ther declaracions, confessions and subscriptions and othes, doo witnes all thes lettres &c.⁵

¹ Some parts of Savage's confessions are preserved in the Record Office (S.P. Mary Q. of S. xix, no. 38). A summary of his confession is also in the Record Office (S.P. Mary Q. of S. xix, no. 91). A full copy of Babington's several confessions is among Lord Calthorpe's MSS. (Vol. xxxi f. 218 seq.). Ballard's, Tichbourne's and Donn's confessions are missing in their original forms, but summaries of them will be found in the Record Office (S.P. Mary Q. of S. xix, no. 91).

² The two letters referred to here are those of Babington to Mary informing her of the plot and of hers to him encouraging him to proceed in it (cf. Document XI b. d.).

³ This cipher, attested by Babington, is missing in the original. It appears to have been laid before the Commissioners at their session in the Star Chamber (cf. Hardwicke Papers i, p. 234) and probably it was the paper to which Burghley referred in his "Brief Plot for the course of proceedings against the Scottish Queen" (Cotton MSS. Cal. C. ix f. 507) when he wrote, "Note that the cipher be carried with us." But cf. Morris, p. 233 for another interpretation of Burghley's note.

⁴ Tichbourne and Donn both confessed that Babington had shown them Mary's letter, Tichbourne adding that he had assisted Babington in deciphering it (cf. Summary of Confessions cited above).

⁵ Both Nau and Curle, Mary's secretaries, bore testimony on several occasions to the fact that Mary had written to Babington encouraging him in his conspiracy to kill Elizabeth. Considerable doubt has been thrown upon the value of their testimony. They certainly gave it under some pressure and Nau retracted

CONFERENCE OF THE LETTRES.

Conference of the lettres. She writithe too Mendza and the rest that the Catholickes had signifiid ther intentions and that she made them an ample dispatch,¹ which was Ba [bington's] lettres.

Pagett. She writythe that the Catholikes had more largely aduertisid then he had don.² Ba[bington's] lettre prouithe it. She promisid too wright too Mendza, and by 5 seuerall lettres she performithe it.

By hir lettre to B[abington] a trustie messenge[r] should be dispatchid to Mendoza ; and in lettres too Cha. Pagett she saythe she hath gyuen suche direction.

She wrott she had cleryd the difyculty of hir delyuery. In hir lettre to Ba[bington] she settythe down the meanes.

She wrott to Pa[gett] that the Chat[olikes] should not stir without forren ayde ; and too B[abington] she wrott the same.

She writythe to Eng[lefield] that she wold stay the succors of Scot[land] ; and too B[abington] she wrott the same.³

THE ARGUMENTES IN HIR LETTRES AFTER HIR INTELLIGENCE
WITH BABYNGTON.⁴

She advertisithe hir intelligence with the Cha[tolikes] and hir dispatche to them.

more than once. At the important moment however, when they were led before the Commissioners in the Star Chamber they appear to have confirmed their testimony against Mary by oath (Hardwicke Papers i, p. 237). Nau afterwards denied having sworn this oath, but not in very convincing terms (cf. C. Nau. History of Mary Stuart. Introduction by J. Stevenson pp. i, lxii).

¹ Cf. Mary's letters to Chas. Paget, Thos. Morgan and B. de Mendoza etc. 17 July, 1586 (Labanoff, vi, pp. 399 seq.).

² Mary's letter to Chas. Paget, just cited, which is also the letter to Paget referred to in the passages following.

³ Mary to Englefield, 17 July, 1586 (Labanoff vi, pp. 404 seq.).

⁴ These points are all drawn from Mary's letters, dated July 17th 1586 and later which are printed in Labanoff Vol. vi, pp. 399 seq.

She desierithe forren forces should be hastenyd.
She assuerithe hir deliuery if ther be ayde from abroad.
All difficulties cleryd in that matter.

She had aduisid one should be sent from the Cha[tolikes]
and requirid creditt should be gyuen him.

Too solicett the Po[pe] and K[ing of] S[pain] abowght the
plottes with all expedicon.

The peace betwyn Eng[land] and Sp[ain] will hinder ther
dissignementes.

She will stay the succurs of Scot[land].

The Catho[likes] neuer better disposed.

That the Duke of Gwise should employ his forces before we
were aware.

If a peace be in France then too convey his forces hether.

THE PRETENCES &c. ¹

Forces to restore religion but in truth too ruyn all.

The book of Reames &c.

Treatie for libertye, but rebell.

She signithe the Association, &c.

The Cha[tholikes] agaynst the Puritans, &c.

Helpe of France, yet layithe hir tytles on Spayn.

She bearith the good shew to hir son, and yet wold betray him
too strange prynces.

Hamleton too serue hir tourne should be successor of Scotland.

That hir liffe is our queenes saftie, which is clere on the
contrary.

Trust in Nau, &c.

Stirr in Irland to withdraw our care at h[ome].

HIR MAJESTIES FAVORS. ²

First the S[cottish] Q[ueenes] subjectes sought to deprive hir
and to establishe that cron in Arren, which our mistres resistid.

¹ This is an abstract of Document XV as will be seen by comparison.

² This is an abstract of Document IV.

She sent to stay hir execution for hir husband[']s] death.

Hir Majesty stayid the proceadyng of the comission in thes matters and refusid to delyuer hir person.

She forbear vppon pryncely compassion too proceed agaynst hir at the Parliament, 14^o [Eliz.].

Morton requirid hir delyuery after ward ; hir Majesty vtterlye refusid the same.

TO ACQUAINTE THE PARLAMENT WITH THE BRIEF SUMME
OF CAUSES.¹

For a rarer cawse then euer heretofore &c.

God forbid that your ruine and change of Kinges lief, sholde haue ben before the chief argument of your assemblies.

Her misfortune and vnderued calamitie is suche who never ment more harme to subjects lief, then to her owne.

Wonderfull and myraculus stay of the [plot].

That to her untollerable grief she hath seen stayned² the noble English nacion with a fowle blotte of &c., which is stayed³ by God's prouidence.

She chargeth yow to acknowledge His admirable benefites, from whose goodnes and no deserte all this commeth.

She voweth to God that the daunger of her owne breath neuer did equall that more.

She hath thowghte meete to vse you as a Counsell (for so yow be) to be made acquainted with suche things as may tuche merely both her and yourselves.

¹ This heading and the notes following it are written, in the original, in four columns across the back of the outer sheet of the foregoing notes, of which they will be found to be little more than an abstract. There can be little doubt that these notes at least were made for Hatton's speech in Parliament. Possibly they were the very ones from which he spoke. The Latin quotations of Scripture were doubtless added to give tone and a certain odor of sanctity to the various points he makes. The notes are written partly in Italian script and partly in Hatton's own hand.

² "So detestable crimes," written above the line here in Hatton's hand.

³ "Holy hand," written above the line here in Hatton's hand.

And therefore, &c.

Intollerable ambicion.	{	The title and armes of England. Refusing to reuoke, &c. Seuerall practises for aduancement. Priue to the Bull.
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Si ius violandum est, regnandi gratia violandum. ¹

Pro regno licet esse sceleratum.

Per fas et nefas ambit, que cupit ambitio. ²

Extreme malice.	{	Content to betray her sonne. Yeld her selfe and title to &c. ³ Affecteth this Pope for &c. Wishethe to dye rather &c. ⁴
--------------------	---	--

Scelera non habent consilium.

Furori nec ratio, nec modus inest.

Cruell and blodie dys- pocion.	{	Foraine inuasion. Ciuill rebellion. Destruccion of her Majestie.
--------------------------------------	---	--

Viri sanguinum non dimidiabunt dies suas.

Magnis sceleribus iura naturæ intereunt.

Vngodlie sleights and subtelties.	{	Her manifold practises in pretending one thing and intending another.
--------------------------------------	---	--

¹ It will be observed that this quotation is also cited in Document XX, a fact which may establish a connection between it and this paper.

² Ibid.

³ Mary drew up a will when she was prisoner at Sheffield in which she bequeathed the Scottish crown and her title to the English crown to Philip of Spain unless her son should be converted to Roman Catholicism (Labanoff iv, p. 354). This will was found among her papers at Chartley.

⁴ In her letter to Babington of July 17th Mary wrote ;—" I shall at any time die most contented, understanding of your delivery forth of the servitude wherein you are holden as slaves." (Cf. Document IX d. above).

Non est prudentia, nec consilium aduersus Dominum.
 Sedet in insidiis, ut interficiat innocentem.
 Qui fodit foueam, incidet in eam.

Persistence from { By consideration of the whole course of
 her yowthe. { her lief, and actions.
 Cuius initium sine prouidentia, ejus finis cum pœnitentia.
 Errare humanum, in errore perseuerare diabolicum.

1. Intention of the Catho[likes].¹
2. Larger aduertisement.
3. Promise of lettres. Mendo[za] &c. S[pain].
4. The trustey messinger.
5. Escape cleryd.
6. The Catho[liks] not stir.
7. Scot[land] a partie not stir.

Pretend on thinge and intend another.²

Reformation of religion,

1. But alteration of the Crown.
2. The boke of Remes.
3. A treaty.
4. Signing the Assotiation.
5. Chatho: agaynst the Purytans.
6. Helpe of France.
7. Good shew to hir son.
8. Lord Hamleton succession.
9. Hir Majestes saftie.
10. Trust in Naw.
11. Stir in Irland.

¹ The meaning of these seven notes may be gathered by a reference to "The Arguments in hir lettres after hir intelligence with Babington" on p. 88 above.

² These eleven proofs of Mary's double dealing are set forth at large in Document XV.

The first practize sortyng with this last accion
was handelyd by ;—

Throckmorton,	}	6 persons.
Englefeyld,		
Doctor Allen,		
Hir selfe too him,		
Doctor Lews,		
Char : Pagett,		
Mendoza.		

After hir intelligence with Babington she did
wright too ;—²

Cha : Pagett,
Mendoza,
Englefeyld,
Lord Pagett,
Bis[hop] of Glasco.

XIX

ARGUMENTS URGING THE EXECUTION OF MARY STUART.

1586-87.

[Egerton MSS. 2124, f. 55.]

These arguments are set down in a contemporary clerkly hand. No doubt they belong to the period between the passing of sentence upon Mary Stuart and her execution, but it is impossible to fix the precise date.

¹ This seems to be a reference to the Throgmorton plot, though the Throgmorton indicated here may be Thomas Throgmorton, the brother of Francis who was executed in 1584. Thomas fled to Paris in 1582 and there became one of the trusted friends of Mary.

² It is somewhat curious to find no mention of Thomas Morgan in this list.

Their association with other papers of Sir Christopher Hatton's suggests that he may have been the author of them, but this is not at all certain.

1. Her Majestie in not executing justice vpon the S[cottish] Quen shall foster and nourishe that onely hope which the Catholikes haue to reestablishe ther religion within this realme.
2. The S[cottish] Quenes lyfe cannot stande with her Majesties safetie and quiett estat of thes realme, beinge (as she is) the onely grounde of all practyses and attemptes bothe at home and abrode.
3. Mercie and pittie (where impunitie dothe not aswage but encrease malyce) is notting els but *misericordia crudelis*, or *crudelitas parcens*; but in the S[cottish] Quene experience teachethe that the more favour she receyuethe the more mischefe she attempteth.
4. Where publica salus and necessitas enforcethe a spedie execution (as in this case yt dothe), there ought no respecte ether of kynred, affection, honour or eny other whatsoeuer to enforce the contrarie; as being all of no accompt in regard of a matter so important as publick necessite.
5. What dishonour or rather impietye were yt, in sparing the lyfe of so greuous an offendour, to hazard the lyves of so many thousandes of true subjectes, being left to the spoyle and revenge of so malicious a woman.
6. By taking away the S[cottish] Quenes lyfe her Majestie shall quenche the malyce of foreyn princes who, notwithstanding they wylnot be quyetted duryng her lyfe, wyll neuer trouble themselves to revenge her deathe.
7. Her Majestie, being a publick person, is to have especial regard of a matter that importethe so greatlye bothe her owne safetie and the publick state of her whole countrye.

8. The sayinge which politick men have so much respected, without regard of justice, *mortui non mordent*, may well be vsed by her Majestie in a case of so great and apparaunt iustice.
9. Albeit ther were some hope of good successe by sparing her lyfe, yet wyse men in doubtfull cases have alwayes allowed of this rule,—*prudētius est timere quam sperare*.
10. Yf her Majestie shall omitte this occasion to take away so daungerous a person, when lawe and justice condemneth her, ther may hereafter more daungerous practyses be attempted, when lawe and justice cannot take hold of her.

[*Indorsed*] :—Reasons towching the execution of the Scott Q[ueene].

XX

THE SCOTTISH QUEEN AND HER ALLIES

[1587 ?]

[Egerton MSS. 2124, f. 17.]

This paper is written in a clerkly hand of the period. It is undated, but it evidently belongs to the time when Mary Stuart was a prisoner in England and probably after the year 1580 when her friends at home and abroad were beginning to manifest something like a concerted aggressive policy in her behalf. From its association with other papers of Sir Christopher Hatton's it may be presumed to belong to him although it bears no evidence of his handling. It looks like brief notes for a speech or part of a speech in Parliament. One is tempted, on very little evidence, to connect it with the speech Hatton made in the House of Commons on the 22nd February 1586/7, in which he set forth the dangers to which the realm was exposed (cf. D'Ewes p. 408).

Foure principall heades and workers of all these myschefes viz ;—the	1 ^o Scottische quenerespectinge	{ 1 ^o Her owne deliuerie out of the Quenes custodie. 2 ^o Her owne aduancement to the present possession of this realme. 3 ^o Restoring of Popishe religion and idolatrie.
		Vt nemo doceat fraudis et sceleris viam, regnum docebit. Si ius violandum est, regnandi gratia violandum est.
	2 ^o Pope reg-arding	{ 1 ^o The Scottish Quenes cause. 2 ^o Hys owne supremacye. 3 ^o Hys priuate commodite.
		Pauci reges, non regna colunt. Bonus odor lucri ex re qualibet.
	3 ^o Kinge of Spayne in	{ 1 ^o Favour of the Scottishe Quene. 2 ^o In revenge of supposed injuries. 3 ^o In hope of better establyshing hys owne tyrannie.
		Non satis amat bonum principis qui malum non oderit. Læso doloris remedium inimici dolor. Tyrannus semper mendicus et inexplibilis est.
	4 ^o The Papist at home moved.	{ 1 ^o Poperie. 2 ^o Malice. 3 ^o Ambition.
		Superstitio error infamis est, amandos timet, colendos violat. Iratus, etiam facinus consilium putat. Quis libet iratis arma dat ipse dolor. Per fas et nefas ambit, quæ cupit ambitio. Ambitio, quos cœpit, furore præcipitat.

[*Indorsed*] :—4 workers &c. for the Sco. Queene.

XXI

AN APOLOGY FOR CERTAIN PASSAGES IN
HOLINGSBED.

[1586.]

[Egerton MSS. 2124, f. 69.]

This paper, which is written in a contemporary clerkly hand, is evidently the copy of an apology which the English government called upon the editors of the second edition of Holingshed's Chronicles to make for certain passages in that edition which concerned the Earl of Shrewsbury. The passage referred to occurs in the Continuation of the Annals of Scotland (1571-86) which was written by Francis Thynne and was added to the original text of Holingshed as published in 1577 when the second edition was brought out ten years later.

Probably this apology is also from Thynne's pen. The objectionable passage, as he says, is omitted in some copies of the 1587 edition but it will be found in the copy on the open shelves of the British Museum Library in Vol. i, p. 443 of the Scottish Annals. In what form the apology appeared is not quite clear.

The truth of the matter regarding Shrewsbury is hard to get at. Mary Stuart, after being for some fourteen years in his charge, was transferred to other keepers in 1584. It appears that Walsingham favoured the change, believing that Shrewsbury was not scrupulous enough in his care of the Scottish Queen. On the other hand it is clear that Shrewsbury was more than anxious to be rid of his distasteful task. There is no sound evidence whatever for the statement made in the unexpurgated second edition of Holingshed that Elizabeth ever called his fidelity into question, and certainly his journey to the court in 1584 was made at his own urgent request.

TO THE READER.

There was never any discourse exactly penned (the sacred
lettres, of which no man ought to doubt because they weare

written by the finger of God, onely excepted) wherein none ymperfeccions weare or might haue bene fownd and corrected; which cometh to passe for that the writers thereof are men who, vnable to se all things theymselves, are often enforced to giue creditt to others whereby they sometymes erre ; which hapned vnto me of late entreating the Right Honorable George Talbot, Earle of Shrewsbury, in my Contynuaunce of the Annalles of Scotland. Wherefore, least my error might be eyther offensyve to his honor or honorable posterity, or injurious to his right noble auncestors, I thinke myself bound in duty and conscience to correct the same. For, having written there somewhat of the same Earle, making shoue of thinges done contrary to his desartes, my meaning and the truth yt self may occasion some to thynke otherwyse of hym then ever eyther he or any of his noble auncestors did demerit (since never any of his lyne or progeny was ever yet touched with any note of suspicion of disloyalty or dishonour towards their prince or cuntry); which error I do here (and that most willingly) confesse and correct, being right glad to embrace the truth, althoughe the same be already withdrawne in most of the bookes, and onely remayneth in some few which onely were dispersed before the ror was sene. The wordes be in the Contynuaunce of the Annalles of Scotland from the yeare of Christ 1571 vntill the yeare 1586, pa : 443, columpn 1, lin. 45 ; the truthe whereof should haue bene sett downe to theeffect following :—The Earle of Shrewsburye, having many yeares had the Quene of Scottes in his custodie, finding by long experience howe burdenous and troublesom a charge she had bene vnto him and howe perilous yt might be yf she long contynued with him, she still thirsting for libertie and dailye seking extraordinary courses for her enlargement, made humble sute vnto hir Majestie to be discharged thereof. And in thend he obteyned licence to come to the court, being very desirous to see hir Majestie (which he had not done of long tyme before by reason of his contynuall attending vpon the same charge) and to ease himself of that weightye

burden; and for the same causes, the tenth of September repayed towards London, honorablye attended with his owne retinewe, came to his house of Coleherbert in London, and imediatlie after went from hence to the court to present himself to hir Majestie, of whom being graciously entertayned, he was after long sutes disburdened of his said charge.

[*Indorsed*] :—The manifesto for the Earle of Shrewsbury.

XXII

AN EXTRACT OF A LETTER FROM [RICHARD DOUGLAS] TO ARCHIBALD DOUGLAS.

22 September, 1587.

[Egerton MSS. 2124, ff. 65-66].

This extract is written in a contemporary clerkly hand. The original letter from which it was taken is missing. There is a portion of a letter among the Hatfield MSS. (cf. *Cal. Hatfield MSS.* iii, p. 282) of the same date from Richard Douglas at Falkland to Archibald Douglas of which this extract may originally have formed a part. At all events Richard Douglas was no doubt the writer of it. He was at that time acting as a sort of intermediary between his uncle Archibald and the King of Scotland. Archibald himself was living in London. He occupied no official position and was nominally in disfavor with the Scottish king because of his double dealing against the king's mother when her fate hung in the balance in the autumn of 1586. Nevertheless it is apparent from this extract and from other letters of Richard Douglas of the same time that James was really disposed to overlook Archibald's offences and in some semi-official manner to make use of his services at the English Court.

The speech in Parliament and the disturbances along the Scottish border referred to in this extract were both expressions of the indignation aroused in Scotland by the news of Mary's execution. The Chancellor Maitland himself was responsible for the speech which was an eloquent denunciation

of the behaviour of the Queen of England. It was received with enthusiasm and with cries for vengeance. But King James lent no countenance to this ebullition of sentiment on his mother's behalf and so it lost the name of action. Some of Mary's sympathizer's along the border undertook small depredations into England, but these again, lacking the countenance of the King, came to nothing. James in fact appears to have been quite indifferent to his mother's fate and was certainly in no wise disposed to risk his title to the succession of the English crown by seeking to avenge her death.

So sone as we durst take the boldnes to let him vnderstand that there was lettres come from yov of importance for his service, he was contented they should be read to him, in presence of the Justice Cleere¹ and Sir Robert Melwill² as yow desired. After that his Majestie had heard them read, he aunswered (so farre as my memory can serve me) as foloweth;—"I perceave," saith he, "these lettres containe the relation of some conferences betwixt M^r Archbald and that Q[ueen] and hir counsaylours, and that vpon two onely pointes, wherewith they esteme themselves to be grieved : the first, for that oration pronounced as they say in my late Parlement, wherein they say they were condemned as murth-erers; the other, for some incursions that hath bene made vpon the borders, the which they take as a plaine denunciation of warre. As to the first," saith he, "you know all how farre vnknowne and

¹ Doubless this should be Justice Clerk. Sir Lewis Bellenden had been made Justice Clerk in Scotland in 1578 and he held the office until his death in 1591. He belonged to the faction which favoured the interests of England in Scotland, and in 1585 played a prominent part in destroying the power of the Earl of Arran and in securing the return of Angus, Mar and the other nobles of the English party who had been forced to take refuge in England after the execution of their leader, the Earl of Gowrie, in 1583.

² Sir Robert Melville was an old and a staunch friend of Mary Stuart. He had been one of those who had made a last stand for her cause in Edinburgh Castle, had been taken prisoner when the castle was captured in 1573 and would have been executed had Elizabeth not intervened to save his life. James made him Privy Councillor in 1585 and sent him as ambassador to England in the autumn of 1586 to intercede with Elizabeth for Mary's life. After working hard to save Mary he returned to Scotland again.

vnlooked for by me that request was made in Parlement. And if I should have stopped mine eares to any motion to me by my subjects, and spetially in that place, I should rather have shewed the part of a tyrant then a lawful prince. But how litle I did approve their desire, my aunsweare (if it had bene faithfully reported) might have geuen sufficient argument, wherein I discharged them all vtterly to meddle with that matter, and should take such order therein as should best stand with equity and reason. And so farre I am from condemning them as murtherers, that I wold be sory with all my hart to have occasion to esteeme so of the least of that country, especially of honest men, whom I hold as deare to me as my best and most loving subjects of this countrie. But I hope those wise counsailors will rather be contented with the fact to bury the memory thereof also then, insisting further in renewing thereof, do that which can not but be a grief vnto me, and bring vnto themselves as I beleve but small contentment. And as for these incursions made vppon their borders which they take as they say for plaine denunciation of warre, leauinge to speake of those made by that countrie vppon this, which notwithstanding are affirmed to me to be litle or nothing inferiour to the other, I beleve if reason can content them, the order I have caused to be taken both for redresse of the wronges already done, and for repressing of such disorders in time comming, should give them sufficient testimony of my desire to keepe quietnes, and how loth I wold be, whatsoever reason I have in the contrary, to give any subject in England just cause of offence."

And then, turning towardes me, he said, " But I hope M^r Archibald, both by cause he is my naturall subject and by that for his owne particular advaucement, which he may looke for at my handes (suppose as yeat it hath beene but small) will not leave of untill th time I may with honour deale my self, which I wish were presently, to doe what lyes in me to perswade the Q[ueen] and her counsailors of my great good will and affection towardes them all, togeather with my desire to kepe the concord and amitye begonne with that countrie, as also to give me his best advice how I may

perswade those noble men and counsailors of my good affection towards them, and remove from them all occasion of suspition or doubting of my good will, if any such heretofore they have conceived.

[*Indorsed*] :—22 Sept. 1587. Extract of a letter sent to Archibald Douglas from his Newew, from Falkeland in Scotland.

XXIII

A LIST OF PAPERS RELATING TO MARY STUART.

[1587.]

[Egerton MSS. 2124, f. 20].

This paper, written in a contemporary hand (possibly the hand of Thos. Phelippes), appears to be a kind of index to a collection of documents relating to Mary Stuart. It is not dated, the date here ascribed to it being simply that of the most recent paper enumerated. All the papers it mentions are printed in the foregoing collection except the first, the second, the fourth and the sixth. Two of these, the second and the fourth, being proclamations, are printed by Dyson in his *Collection of Proclamations* ff. 238, 242. The "Subjects Petition," the first paper referred to, is no doubt that one presented by both houses of Parliament to Elizabeth in 1586 urging the execution of the Queen of Scots. It is printed in the *State Trials* i, p. 1190. Serjeant Puckering's speech, the sixth reference, is probably that one which he made to Elizabeth when he presented to her the petition just referred to, an abstract of which is printed by D'Ewes p. 400 seq.

1. The subjectes petition against the Q[ueen] of Scotcs.
2. A proclamacion declaringe the sentence against the Q[ueen] of Scotcs.
3. A lettre from Douglas cosyne, at Falkland, to Archibald Douglas.
4. A proclamacion to staye hues and cryes.

5. A. Babington's lettre to the Q[ueen] of Scotcs and hirs to him.
 6. Sergent Puckerings spetche to the Q[ueen of] E[ngland].
 7. The severall crymes wherwith the Scottis Q[ueen] is charged by the bill.
 8. Q[ueen of] E[ngland's] favours shewed to the S[cottish] Quene.
 9. Resons touching the execucion of the Q[ueene] of Scottes.
 10. Sergent Puckering's notes of the Scottish [Q.] cause.
- [*Indorsed*] :—About the Queane of Scotts freindes.

XXIV

A STATEMENT BY THE LORD CHANCELLOR OF
SCOTLAND UPON THE SUBJECT OF AN
ANGLO-SCOTTISH ALLIANCE.

September 10, 1588.

[Egerton MSS. 2124, ff. 67-68].

This is a copy, in a contemporary clerkly hand, of an account of a statement upon the subject of an Anglo-Scottish alliance made to Robert Ashby, the representative of Elizabeth in Scotland, by Sir John Maitland, the Lord Chancellor of Scotland, a brother of the famous Maitland of Lethington and perhaps the most influential man in Scotland at this time. The account was probably sent to Elizabeth or to some one of her privy councillors by Ashby in one of his letters, but the original of it appears to be missing. This copy is endorsed by Sir Christopher Hatton.

No doubt Elizabeth was very anxious about the attitude which King James of Scotland would take towards her when the Spanish Armada appeared off her shores. She sent Ashby into Scotland late in July 1588 to make large bids for his good will, offering an English dukedom, £5000 a year pension, and a body guard of 50 men to be maintained at her own expense if he would stand her friend. Maitland declares, in the interview

here recited, that the Spanish king was doing his utmost on the other hand to induce James to join forces against her. Whether Philip II had actually made the large offers which Maitland here ascribes to him is a question which admits of considerable doubt (A. Lang. Hist. Scotland II, 333 seq.). What Maitland was evidently aiming at was to force the English queen to increase her bid. He was quite unsuccessful in this, as most people were who tried to squeeze an extra penny out of Elizabeth. Indeed, after the danger was past, she found it convenient to declare that the promises which Ashby had made were quite unwarranted, and she refused to abide by them.

That the K[ing] of Spaine and his associates have proposed the conquest of the realme of England, the subversion of the religion and erecting of Papistry, neither do they themselves dissemble, neither doth any man doubt.

The decree of the Councel of Trent, desire of revenge and hope of gaine and honour, wherby they haue bene induced to attempt, will still move them to prosecute their enterprise, the rather to repaire their daumage, and lest ther travel and so great charges shold be lost.

The surest and allmost only meanes to obuiate their designes is a syncere amitie betwene thes two crowns and a straight conjunction of the whole isle.

This, as they did foresee and feare, so were they about to stay and prevent by keeping England in hande by a simulate treatie, and assaying to procure the good will and aide of the K[ing], my soueraine, by offers of surety, honour and commodity; suretie of religion and his present state; honour by revenge of injuries that have bene done vnto him; and commodity by attaining to the Crowne of England, the succession whereof by all lawes of God and man apperteyneth only to his Majestie.

That this might be the better effectuate, it was offred to his Majestie to be head and conductour of the whole army (if so be it shold like his Highnes), or, lest so great forces might seeme to breed danger to the religion, his state or title, mony and alle thinges requisite was offred for enterteingment of a power of

his owne contry, or otherwise at his Highnes choice, of sixtene or twenty thousand men, besides six thousand strangers, or vithin or above at his Majesties option, vnder the conduite of suche his Highnes frend or kinsman as he shall appointe, specially of the house of Guise, if his Majesty pleased to make choice of any of that race.

To thes were added many persuasions of his owne subjectes, specially the indignity of the Q[ueen] his mothers death, wherewith the hartes of the best and most zealous here were deeply wounded ; the withholding from him the just inheritance of his grandfather ;¹ the preferring to him of hers pretending title by geving into their handes great forces by sea and lande ; and that the jealousie of the Q[ueen] their Mistres had of her estate ; and suspicion against his mother, being heire apparant and nearest successour, was the only occasion of her death ; that this irremouable jealousie is now transferred toward the K[ing] my soueraine, and it is so muche the more encreased that a yonge, vertuous, learned, religious, Godly prince is of greater expectation, and by liklehood wilbe more respected, then an ould, sickly, unfortunate prisoner, and consequently may be more suspected, specially seing he may be inflamed by the death of his mother to the desire of a just revenge.²

If so great offres haue bene made when strangers trusted so much to their forces, and such as affected them here have bene buysy heretofore, the more the forrein army shalbe distressed,

¹ The estates of the Earl of Lennox, James' paternal grandfather, in England which James had demanded of Elizabeth more than once, and which she had steadily refused to deliver over to him.

² The English of this paragraph is so awkward that it is not so easy to catch the drift of it. It might perhaps be expressed in other terms as follows :— To these inducements, offered by foreign princes, the King's own subjects added their persuasions. They spoke of the indignities which the Queen of England had offered him by the execution of his mother and the refusal of his grandfather's estates ; they pointed out to him that the Catholic powers had " preferred " to him his mother's claim to the English throne and were prepared to assist him making good that claim with great forces by sea and land ; they reminded

and the lesse they be able to do by their owne power, the more they shall seeke the King my soueraine, who may most of all stand them in greatest steade, and without whom, being over-matched by sea, they are able to do no exployte in this isle.

Only zeale of religion and a naturall affection to the st[ate] and people of England hath moved his Majesty as yet [to] rejecte so great offers to the peril of his state, hazard of his fame among foreins, and discontentment of the most parte of his subjectes.

If thes so great offers and mighty persuasions be not counterballanced by a full satisfaction to his Majesties honour and otherwise, and vnles honorable consideracion be had of him, it is easy to imagine what indignity, shame, disdaine and undeserued and irremoveable jelousie may breed in a generous harte, few being about him of contrary opinion to dissuade him ; and perfite suretie for religion, his Highnes estate and title substantially provided.

As to mine owne part, I am alltogether voyde of affection, passion or partiallitie further then zeale of religion, my duty to my soueraine and contrie doth carie me, being neither addicte nor bownd vnto any forein either by benefite or obligacion, euer repugning to Papistes practises, and for good meaning eville acquitt of your countrye.

Yet haue I delt frankly and syncerly without alle cunning and treacherie, neither will I yet disguise the truthe, nor conceale or obscure that which time will soone discover.

Straight dealing, vntimely sparing, and protracting of time wille importe a speedy perill to the whole ilande.

him of the jealousy which the Queen of England had always cherished towards his mother, declaring that her nearness to the English throne had been the real reason for her death ; and they bade him consider whether this jealousy would not now be transferred to him,—yea, increased towards him because he was not an old, sickly and unfortunate prisoner like his mother, but a young, a learned, a virtuous and a Godly prince.

I assure you, though all you haue offred were presently performed, it will not fully satisfie. More will be craved, which will not breed so much present misliking, as future weale and suretie to vs both.

You see here a miscontented state, and the best affected not without scruple.

It were convenient respectes were had to the sequele that may and is likly to ensue, which if it be not had in time, for my owne parte I must think God is otherwise determined, and has his owne worke to worke as he shall please to dispose, which I feare shall haue a sorowfull issue for vs bothe, especially to whom it shall first befall to tast the bitternes thereof.

[*Indorsed in Hatton's hand*] :—The Chaunce[llor of Sco]tland his aduertisement too M^r Ashebye, Emb[assador] ther. Sept. 10, 1588

XXV

SIR CHRISTOPHER HATTON'S BRIEF FOR AN ARGUMENT URGING THE DEFENCE OF THE REALM.

[4 February, 1588/9 ?]

[Egerton MSS. 2124, f. 45.]

This paper is written in Hatton's hand. It is pretty evidently an abstract for a speech in Parliament urging that measures of defense be taken. Hatton delivered such a speech in the House of Commons on the 4th of February, 1588/9 (D'Ewes p. 428). This paper contains, perhaps, his notes for a part of that speech.

In our care too resist and avoide thes daungers may be considered ;—	How juste :—	{ By the law of nature, of God and of all nations, it is lawfull to resist violence.
		{ We haue recevyd many injvryes and don none but in defence of selves.
		{ We haue inclynyd too all ouertures made for peace and fynd no good, but daunger and abvse.
	How honorable :—	{ It concernithe pryncipally the majesty and glory of God.
		{ The honour of our prynce and nobility.
	How nessessarye our defence is :—	{ The aunccient renoune and valure of our Englishe nacion.
		{ The nessessitey appearythe by the due consideracion of every particuler mischef incident too [con]quest whe[reof] I before spake, all which, with[out] our great care of prouydent and nessessary prevencion, must of nessessitie fall vppon vs.

THE CONCLUSYON.

That seyng our danger is soo great, our enymise soo many, soo myghtie and malicious, our defence soo just, soo honorable and soo nessessary, lett us not forgett our dewties too God, too hir Majestie and our countree, but combyne our selves together

in aduice and consultacion how we may repell the soo great force and malyce.

The[y] haue great preparacions too assayle vs by sea : our navie must be made fitt to encounter them.

The[y] haue great strenthe to invade vs by land: a correspondencie of force must be redie too defend and withstand them.

The[y] haue preparyd meanes too contynew too assaulte vs : we must likewise conclude of all good meanes how we may bothe constantly and resolutely defend them.

[*Indorsed, in a clerk's hand*] :—The Queene of Englandis reasons.

APPENDIX

APPENDIX I.

A PETITION PRESENTED TO ELIZABETH BY PARLIAMENT, URGING HER TO DEBAR MARY STUART FROM THE SUCCESSION TO THE ENGLISH CROWN.¹

May, 1572.

[Caligula B. viii ff. 240-246.]

TO THE QUEENE'S MOST EXCELLENT MAJESTIE.

In their most humble wise beseeche your most royall Majestie, your most humble, loving and faithfull subjectes the Lordes Spirituall and Temporall and all other your most humble and obedient subjectes the Communes of your moste highe courte of Parliament nowe assembled ;—That where Mary, daughter and heire of Jeames the fifte, late Kinge of Scottes, commonly called Queene of Scottes, most wickedly, falsely, and unjustly hath claymed the present state and possession of your royall crowne of your realme of England and Ireland, and most untruly and injuriously usurped the style and armes of the said realmes, entytlinge her selfe the Queene of England and Ireland; which her wrongfull and false usurpation shee hath not hitherto revoked, althoughe shee hath by sondrie letteres, messages and ambassages from your Majestie bene therunto often required ; and notwithstanding the treatie and conclusion by her commissioners to that effecte agreed upon, yet

¹ Cf. Document I printed above. This manuscript is written in a contemporary clerkly hand. The erasures and alterations indicated in the footnotes following were made by another hand of the same period.

hath shee hitherto delayed and refused to ratifye the same treatie ; and the same her said false and pretended title shee hath by her ministeres and faintours from tyme to tyme practised sondrye wayes to preferre, sett forward, aduance, and publishe, to the great injurie and dishonour of your most excellent Majestie and to the great inward greefe of all your good, naturall and loyall subjectes ;

And the said Mary, continuing her said must unjust and malicious pretence and purpose to clayme your Majesties most royall estate in the said realmes, and to dispossesse your Highnes of the same, after many trayterous and wicked practises against your Majesties honour and salftie ; and after her dismissal of the Crowne of Scotland for manifold and horrible crymes and disorders wherwith shee was chardged in the said realme of Scotland, flying into this your Majestie's realme for succour, and here by your Majestie of most royall bountie receaved into your Highnes protection and honorably used ; forgetting all dutie, nature and kindnes, hath for thadvauncement of her said most unjust tytle and usurpacion and to atchieve the same by disherison and destruction of your most excellent Majestie, sought by subtile and craftye meanes to withdrawe the late Duke of Norfolke, nowe justly attainted of highe treason, from his due and naturall obedience to your Highnes, and against your Majesties expresse prohibition to couple her selfe in marriage with the said Duke to thintent, that joyninge suche strengthe and force as shee sought to have, by meanes of the Pope and other her foreyne confederates and of some traytours subjectes within this your realme of England, with such power as in her opinion the said Duke might have, being aduanced to such greatnes of degree and estate in this realme, and brought and mainteyned in great credit by your Majesties speciale favour and calling, she might the soner attaine and bring to effecte your Majesties deprivation and destruction, to the utter discomfort, desolacion, and subversion of your realmes and true subiectes ;

And, for the prosecuting of the said trayterous purpose and intencion against your Majestie, the said Mary hath also by her ministers sollicitid the said late Duke not only to thaccomplishe-

ment of the said daungerous mariadge, but also to bringe the same to effecte with force ;

And for more hastie performaunce of the said daungerous mariadge shee stirred and procured your most false and trayterous subjectes, the Erles of Northumberland and Westemorland and other their confederates, false traytours, to rebell and levye open warre against your Majestie in the north partes of this your realme, with purpose to overthrowe the sincere religion of God and to depose your Majestie, and to place the said Mary in your royale seate ; and to that ende promised to the said rebells ayde of men and money to the maintenaunce of their rebellion and to the furtheraunce of her said trayterous intentes, and did relieve them with comfortable encouragementes and procuring of promise of foraine succoures before and in the tyme of the said rebellion ;

And after that, by the grace of Allmightie God, prospering the good and true service and duties of your most loyall and faithfull subjectes, your Majesties power did putt the said rebells to flight, diverse lordes and others of Scotland, favourers of the said Mary, and adhering to her faction, did by her meanes and in respecte of her favour, receave, succour, and cherishe the said unnaturall and trayterous rebells with such supportacion and maintenaunce as they were able ; which said rebelles, together with certaine Scottes of the parte and faction of the said Mary, in most cruell and warlike manner entred and invaded this your Majesties realme, for the which your Highnes most justly by force and open warre under the conducte of the right noble and your good and faithfull subjecte Thomas, Erle of Sussex, then your lieutenaunt, did pursue the said rebelles and their favourers and receavours within the realme of Scotland where shee, the said Mary, procured by her said favorers and adherentes the said rebelles to be defended and kept in salfe and secret places from your Majesties armye ;

And when the habilitie of her said frendes in Scotland sufficed not to defende the said rebelles against your Majestie's power, shee did by her ministers' advise and procure them to departe and flye

into the Lowe Countries beyond the seas, where shee procured unto them not only reliefe of money but also letters of encouragement from the great enimye of God and of your Majestie and this your realme, the Pope of Rome ; wherby not only their presente necessities were relieved and holpen, but also they were encouraged and put in great hope to recover their former estate in England and to prosecute their former trayterous attemptes ;

Moreover the said Mary, still continuinge her said most wicked purposes, hath both by her selfe and her ministers and by the said late Duke of Norfolke, whom shee hath incited therunto, practised to procure newe rebellion to be raysed within this realme, and to joyne with the force of straungers to invade this your said realme;

And for that intente (besides sondrye other her ministers) shee made choyce of one Robert Ridolphe, a merchaunte of Italye, then being secreatlye as the Pope's agent in this realme and recommended to her from the Pope by letters of creditte to be her instrument and messenger in that matter, which Ridolphe, by her speciale meanes and by commission from her and from the said late Duke of Norffolke for thaccomplishmemente of certainē instructions to him given for furtheraunce of her service and for thadvauncemente of her said trayterous and most wicked conspiracies, devices, and intentes, went unto the partes beyond the sea to procure from the Pope and other forraine potentates men and money for the speedy invasion of this your realme, and to joyne with such force of rebells and traytours as might be raysed by her, her confederates and adherentes, within this realme ; uppon which joyning of forces it was intended that shee shold have bene proclaimed Queene of England and Ireland. And the same Ridolphe, being arrived in the parte beyond the seas, sollicitied the said wicked enterprises to the said Pope and others, with whom the said Ridolphe had good and favourable audience and receaved great and large promises to the furtheraunce of the said wicked intentes, as he the said Ridolphe by letteres in cyphre signified to the said Duke of Norffolke and other his adherentes, from whom advertisement thereof was given by meanes to the said Mary. And further the said Ridolphe,

so sent by her and the said Duke of Norffolke, for the maintenaunce of foreyne force to invade this your realme, which forreine force, by devices wherunto the said Mary and her confederates were privy, was appoynted to have landed at a porte in your realme and to have joyned with a power of rebels that shold have trayterously levied warre in this your realme against your Highnes, if God had permitted prosperity to their most vyle, wicked and trayterous enterprises; which wicked attempte was stayed uppon the happy discovery of the treason aforesaid;

Over and above all which most vyle and trayterous practises above said, the said Mary conspired with diverse of your unnaturall subjectes for her delivery out of your Hignes' custody and power, to the intent that if their fond enterprise had taken effecte shee should have bene proclaymed Queene of England at one tyme in severall places of this realme, as by the confession of some of her complices, attaynted of high treason for that cause, hath plainly and evidently appeared.

And further the said Mary, for the better bringing to passe of her fond wicked attemptes, receaved sondry letters from her said confederate, the Pope, and from his nuntio, amonge many other things conteyning matter of restoring her to the Chuerche of Rome, with promise to embrace her and heres *sicut gallina pullos suos* and to dispense with all those that wold in her favour rebell against your Majestie and to take them as *filios Ecclesiae* with promise of ayde and supporte to the said Mary. For which ende also the said Pope hath to her further succour, wherunto shee was privy, put in banke one hundreth thousand crownes to be employed uppon any that wold take uppon him the enterprise for setting upp of Popish religion in this realme, by helping her to the crowne of this realme;

And where the said Pope most vainely, impudently, and falsely usurping and taking to him selfe power at his will and pleasure to deprive princes of their state and kingdomes, did publishe a most vyle, tyrannicall and seditious Bull of Deprivation, full of most false, horrible and uncomely sclanderer against your Majestie,

your nobility, realme, and subjectes, the said Bull was knowne to the said Mary ; uppon which Bull hath bene founded not only the most trayterous perswasion of your Majesties false and untrue rebels and other trayterous subjectes against your Majesties undoubted right to your most royall crowne and the maintenance of her pretended tytle to the same, but also actuall rebellion in some part of your dominions ;

And for further hastening her said wicked purpose and invencion sone of the ministers of the said Mary in her favour and furtheraunce moved and devised, in the tyme of your Majesties late Parliament holden in the xiiith yeare of your most blessed reigne, to have surprised your Majesties courte by force and to have broken upp and disturbed your Parliament and seased your Majesties royall person to the great perill and daunger of subversion of this your realme ;

And for better setting forward of all the fond trayterous intencions. and for seducing of your subjectes and withdrawing their loyaltie from your Highnes to the said Mary, certaine rebels and traytours. to your Majestie, abyding beyond the seas and other the adherentes of the said Mary, still continuing their trayterous purposes and practises in her behalfe, have by bookes, writings, letteres and open speeches playnely disclosed what accompt shee and they make of your Highnes most undoubted right, calling her by the name of our queene, and Queene of England and Ireland with such like speeches to her utterly undue, and terming your Majestie, being our undoubted Sovereigne Lady and Queene by the name of Elizabeth, present Governour, pretended Queene, and late Queene and such like ; and have both in bookes and petigrees. deduced unto the said Mary a false, pretended, and colorable tytle by discent to your Majesties crowne not only above your Majesties. in tytle, but also above all your most noble progenitours, kinges of this realme since the conquest, not only to the most unjust clayme and challenge of your most royall seate, but also to the utter confusion of the whole state of this realme ; which bookes have bene attempted to be printed within this realme and by good foresight being stayed here, have bene finished beyond the seas by

the meanes of her ministers and some of your trayterous subjectes in those partes, and from thence have bene brought hither to be published in her favour ; and of the fond petigrees sondrie copies have bene made and dispersed, and some of the same coppies, together with especiall instructions advauncing her treasons, have bene lately found in custody of some of her principall agentes ; in which instructions also, amonge other most wicked and seditious matter, it was conteyned and sett forth that the said Mary was and is the lawfull Queene of England ;

And the said Mary, not thus contented, hath also since the late discovery of her said horrible factes proceeded by newe attemptes and sollicitacions to pursue and procure the continuance and renewing of the said most wicked enterprise of invading this your realme, besides infinite other most ungodly and daungerous practises against your most royall Majestie and your said realme, attempted both within your dominions and elsewhere beyond the seas, which are lett passe ;

All which her most seditious and detestable practises have by her owne letteres and instructions and by the free, voluntary, and plaine confessions of diverse her confederates and ministers, most amply truly and largely bene proved.

And allthoughe your Majestie of your most abundaunt goodnes hath hitherto, above the common limittes and bondes of mercye, forborne to proceed against the said Mary accordinge to her deserving and as by justice and equitye your Majestie might have done, yet now, seing her malice to be nothing restrayned with due consideration of your Majesties goodnes, clemencye and kindnes towardes her, at whose handes shee hath received great and sondry benefittes and namely (amongst many other), the salfe-garde and preservacion of her lyfe, which should have bene taken from her in the realme of Scotland for sondry horrible crymes wherwith shee was then chardged if your Highnes' most kinde, favourable, and most earnest mediacion as well by your speeche as by your letteres and messages on her behalfe had not wrought her salftye ;

And considering also the most wicked and malicious devices and practises of her and her confederates and fantours towards your Majestie do not cease but dayly encrease, to the great daunger of your Majesties most royall person and perill of subversion of true religion and of the prosperous state of your realmes and dominions; wee therefore, your true and obedient subjectes, the Lordes Spirituell and Temporall and the Commons in this presente Parliament assembled, do most humbly beseeche your Majestie for the securitie and preservacion of your most royall person (whom Allmightie God longe preserve and protecte from all perill and daunger and especially from the most daungerous and perillous attemptes of the said Mary and her adherentes) and for the good peace, rest and tranquillitie of all your most loving and obedient subjectes, and of their posterities and for the contenuaunce of the true service, religion and honour of Allmightye God, not to beare in vayne the swerde of justice committed to your Majestie, but by the justice of the lawes of your realme to punishe and correcte (which your Majesty justly and lawfully may do)¹ all the treasons and wicked attemptes of the said Mary condignely, accordinge to the demerites as speedely and in such manner and forme as may stande with your Majestie's good will and pleasure; unto which humble and earnest petition of your said loving and obedient subjectes, they assuredly hope your Majestie will have such princely regarde as the greatnes of the cause requireth, considering that theruppon in very deed dependeth the securitye of your Majesties most royall person, the service and religion of Allmightie God, the common peace and tranquillitie of the whole realme and the preservation of all the estates therof in their severall honours, estates and degrees;

And yet nevertheles in the meane tyme, for asmuch as many of the frendes and fantours of the said Mary (besydes the treasons and practises attempted most unjustly to have brought her into the presente possession of this your Majesties crowne of England)

¹ Passage in parentheses struck out.

have also conceived an uncertaine¹ hope, that if it should fortune your Majestie (as God forbid) to decease without heires of your body, that then the said Mary should succede your Majestie in the royall estate of this your Majesties realme and other your realmes, dominions and countreyes, uppon which hope, founded upon uncertaine and doubtfull causes,² it hath well appeared that sondrye perilous and daungerous enterprises and false and trayterous³ practises have bene attempted towards your Highnes and this your realme, and more may ensue to the utter discomporte, desolation and ruine of your Majesty and⁴ said subjectes and their posterities if the same be not providently forseene and remedied ;

May it nowe therfore please your Majestie, at the further instance and most humble desyre and petition of your said subjectes, to thend that such undue⁵ causes and groundes of highe treasons and daungerous practises against your Majestie's person and this your realme, arising and manifestly comming by the said doubtfull and uncertaine hope⁶ of the said Mary and of her fantours and adherentes to the possession or⁷ succession of the crowne of this your Majestie's realme, may be cleerly and utterly⁸ cutt off, and in respecte of the said treasonous practises, conspiraces and other kinde demeanours and doinges of the said Mary against your royall Majestie, and for other the causes above remembred and towards some parte of the punishment and correction of her offence and misdemeanours ;—

That it may be enacted, ordeyned and declared by your Highnes, the Lordes Spirituell and Temporall, and the Commons in this presente Parliament assembled, that the said Mary, comonly called

¹ Altered to "imagined a vain and dangerous hope."

² The clause "founded.... causes" struck out.

³ "false and trayterous" struck out.

⁴ "Majesty and" struck out.

⁵ "undue" struck out.

⁶ Altered to "false persuasion and hope."

⁷ "possession or" struck out.

⁸ "clearly and utterly" altered to "the rather."

Queene of Scottes, be indeede and shalbe¹ to all intentes and purposes deemed, adjudged, and taken a person unable, unworthy and incapable of, shall not at any tyme have, hold, clayme, possesse, or enjoy² the dignity and³ tytle of the said crowne of England and of all⁴ other your Majesties realmes, dominions and countries, and of all royall and⁵ other power, estate, dignitie, tytle and⁵ prehemince within this your Majestie's realme and all other your realmes dominions and⁵ countries in such manner and forme, to all intentes and purposes as though the said Mary had never lyved,⁶ or were naturally dead; and that the said Mary shall not at any tyme hereafter have, hold, clayme, possesse nor enjoye thestate, dignitie, tytle, or interest of the crowne of this your Majestie's realme, or of any other your Highnes' realmes, dominions, or countries;

And further that it may be enacted and declared by your Majestie, the Lordes Spirituall and Temporall, and the Commons in this presente Parliament assembled and by authoritye of the same;— That if the said Mary shall or doe at any tyme hereafter in your Majestie's lyfe make or pretende any chalendge, clayme, demaunde, interest, or tytle to this your crowne of this your Majestie's realme of England or of any other your realmes, dominions or countries, or shall procure, conspire, devise, or consent to bringe, or to be brought⁷ into this realme of England, or the realme of Ireland, or any other your Majesties dominions, any forieyne force or invasion, or to rayse or stirre any warre or rebellion within the said realme of England or Ireland, or that⁸ any warre, rebellion, or invasion shalbe made, or any warre shalbe denounced to your Majestie for

¹ "indeed and shalbe" struck out.

² "shall... enjoy" struck out.

³ Altered to "or."

⁴ Altered to "nor of any."

⁵ Altered to "or."

⁶ "had... lyved" struck out,

⁷ "or... brought" struck out.

⁸ Altered to "if."

any matter or cause in any wise touching or concerning the said Mary; or that¹ shee shall at any tyme hereafter do, committ, devise, or consent to the doing, comitting, or devising of any manner of matter, acte or thinge which in case semblable shold be deemed and taken treason in any naturall borne subjecte of this realme, doing, committing or devising the same,² that then and from thenceforth the said Mary shalbe deemed and taken a traytour to your Majestie; and that all and every the offences and causes aforesaid by her and in her behalfe to be done shalbe deemed, adjudged and taken highe treasons in the said Mary, and that shee being therof, or of any of them, indyted and convicted, shall suffer and have paynes of death, as in cases of highe treason is due and accustomed by the lawes of this realme;

And to thend some certaine knowledge and³ declaracioun may be made as well for a convenient⁴ tryall of all such treasons which the said Mary may hereafter committ as also for the treasons by her hertofore done and committed against your Majestie, your crowne and dignitie;—May it please your Highnes that it may be further enacted by authority aforesaid in respecte of the state, honour and dignitie which shee hath hertofore borne, that the said Mary, as well for the treasons aforesaid by her hertofore done and committed against your Majestie, as also for all other treasons which hereafter shee shall do or committe, shall and may in such manner and forme be indicted, arayned, tryed and adjudged therof as the wyfe of any the noblest peere of this realme should or ought to be indicted, arayned, tryed and adjudged by the lawes and statutes of this realme, for any treason by the wyfe of any such peere of this realme committed or done;

And on this that it may be enacted by your Majestie, the Lordes Spirituall and Temporall, and the Commons in this presente Parliamente assembled, and by th'authoritie of the same;—That if the

¹ Altered to "if."

² Altered to "like."

³ "some... and" struck out.

⁴ "a convenient" altered to "the."

said Mary at any tyme after your Majesties decease (whom Allmightie God longe preserve) do or shall make any clayme, chalenge, or tyle to the crowne of this realme of England, or of any other your Highnes realmes, dominions or countries, or that any open warre¹ be raysed or levied in this realme of England for the cause, quarrell or pretence of the said Mary in that behalfe, and to thadvancement and preferment of her said pretended clayme, that then and from thenceforth the said Mary, and every such her fantour,² shalbe deemed, taken and used as an enimye to the realme and crowne of England and utterly out of the protection of the lawes of this realme of England ;

And on this that it may please your Majestie that it may be enacted by authoritie aforesaid ;—That if any person or persons shall at any tyme after thirtie dayes next after thend of this presente session of Parliament, by expresse speache, writinge or other matter advisedly and directly affirme, attribute, or ascribe to the said Mary any manner of tyle or right, or possibilitie of tyle or right to the crowne of this realme or of any other your Highnes realmes, dominions or countries, to th'intent to further any such right, tyle or possibilitie, or if any person or persons shall at any tyme or tymes hereafter during your Majestie's lyfe³ conspire, devise or assent,⁴ by any wayes or meanes, with force or otherwise, without your Majestie's licence or consent, to take the said Mary out of such custody and place where your Majestie hath appointed, or hereafter shall appoynte her to be kept, or if any person or persons whatsoever shall at any tyme or tymes hereafter willingly, by any wayes or meanes, minister, or give or procure to be ministred or given⁵ to the said Mary, any ayde, comforte succour, supporte, or reliefe by any expresse wordes, writinge, open acte or deed to thintent therby to deliver her or procure her

¹ " or warlike force " inserted here.

² " and.... fantour " struck out.

³ " during... lyfe " struck out.

⁴ " or assent " struck out.

⁵ " or procure... given " struck out.

deliveraunce¹ out of your Highnes custody or possession, without your Majesties licence and consent, for thadvancement of her said pretence or otherwise² or to thintent therby to supporte, mainteyne or defend the said Mary in or to any thinge contrary to the tenour, effecte, and true meaninge of this presente acte ; or if any person, of what estate degree or nation soever he be, at any tyme hereafter within this realme shall or doe, for him selfe or for any other person, practise or procure (or cause or assent to be practised or procured)³ any thinge for the having or obteyninge of any mariadge or contracte of mariadge with the said Mary, without your Majestie's licence and consent therunto firste had and obtained ; that then every person so offending in any the premisses shalbe deemed adjudged, and taken a traytour and his offence therin deemed, adjudged and taken to be highe treason ; and being therof lawfully endicted and attainted shall suffer, incurre and have, such paynes of death, losses, penalties, forfeitures as in cases of high treason is due by the lawes and statutes of this realme ;

And for the better maintenaunce and sure continuance of this presente act and every article and thinge therin conteyned ; may it also please your Majestie that it may be likewise established by authoritye of this Parliament ;—That it shall and may be lawfull to all persons, as well at this presente tyme as also at every tyme and tymes hereafter, to mainteine, sett forth, and defend to th'utmost of their powers all and every thinge and thinges declared, expressed, intended or mentioned against the said Mary in this presente acte and statute, without incurring or susteyning of any losse damage, penaltie or forfeiture ; and that every person that hertofore hath, or at any tyme hereafter shall, with force or otherwise, stand to sett forth, mainteyne or defende all, any, every or any the thinges or matters which by this presente acte are declared, expressed or mentioned against the said Mary, shall not therfore in

¹ " or... deliverance " struck out.

² " or otherwise " struck out.

³ Clause in parentheses struck out.

anywise be impeached, molested, imprisoned or troubled in body, landes, or goodes but shall therof stand cleerly discharged without any manner of impeachment, any lawe or statute whatsoever to the contrarye notwithstanding ;

And for as much as all the horrible treasons and conspiracies before in this acte mencioned have growen by the said Mary and other her adherentes chiefly for this cause and purpose,—to bringe againe into this realme the detestable and usurped authoritie of the Sea of Rome, and therby to subjecte the imperiall crowne of this realme, and the faithfull and loving subjectes of the same, to the bondage, tyranny and thraldome of the said Sea and so to chaunge and alter the true and sincere religion of God now established within the realme; may it therefore please your Majestie for th'avoydinge of such great daungeres and perilles, as by any such wicked attempt might ensue to this your Majestie's realme, and the good subiectes of the same, that it may be enacted by thauthoritie of this presente Parliament ;— That if any person or persons of what state or degree soever he or they be shall, at any tyme or tymes hereafter willingly, advisedly and directly do, make or procure, or assent to be done, made, or procured, any acte or thinge to thintent that therby the usurped power, or any the pretended jurisdiction or authoritie of the said Sea of Rome, nowe by the lawes and statutes of this realme justly abolished, shall or may in any wyse be brought againe or used within this realme, or within any your Majestie's dominions and¹ countries, that then every such offence and offences shalbe taken, judged and deemed to be highe treason, and the offendours therein shalbe taken to be traytours, and being therof indicted and lawfully attainted and convicted according to the lawes of this realme, shall suffer paynes of death and also shall lose and forfeyte all his and their landes, tenementes, goodes, and cattailles, as in cases of high treason is used and accustomed ; provided allwayes, that if it shall happen hereafter any peere of this realme to be endicted of any offence

¹ Altered to " or. "

made treason by this acte, he shall have his tryall by his peeres as in other cases of treason is accustomed ;

And where diverse your Majestie's true subjectes conceyving, by reason of the great enormities of the said Mary and her¹ daungerous practises against your Majestie, a just and due displeasure and hatred against the said Mary, have, in detestation of her lewde lyfe and treasons and for good zeale to your most excellent Majestie, uttered diverse speeches and done sondry actes to the defacement of the said Mary and of her factious pretence and trayterous clayme and doinges, and as it is most likely after the dis-closing of her so many and manifold horrible offences in this acte mentioned, will conceive greater lothing and abhorring of her crymes ; may it please your Majestie that it may be enacted and declared ;—That all speeches and doinges, of your Majesties subjectes, and every of them, hertofore had, used or done against the said Mary, or to her defacement or prejudice, shalbe to all intentes, constructions and purposes judged and deemed good and lawfull doinges of honest, zelous and true subjectes to your Majestie ; and that all speeches and doinges hereafter to be done and¹ used, according to the meaninge or to thadvancemente of thintent of this acte, or any parte therof, or to the defacement of any clayme or chalendge that the said Mary hath pretended or shall pretende to the crowne, style or dignitie of this realme, or of any other your Majesties dominions, be declared and shalbe judged lawfull doinges, and that no person shall ever be impeached, reprehended, convented or otherwise troubled for the same, any matter whatsoever to the contrary notwithstandinge.

[*Indorsed in another hand*] :—The Bill exhibited by the Lords Spiritual and Temporall to her Majestie against the Scott. Q.

¹ Altered to "or."

APPENDIX II.

SECRETARY WALSINGHAM'S NOTES UPON CERTAIN OFFERS MADE BY MARY STUART. ¹

21 April, 1583.

[English Record Office, S.P. Mary, Q. of S. Vol. XII. No. 62.]

- (a) Allowed of, being agreable with her promise.
- (b) To know what authoryte or assent she hathe from her sunne to enter into any sooche promys ; and that yf any promise were, yet were yt fit for her Majestie to acquante the K[ing of Scotland] withall befor any resolutyon therin.
- (c) That her Majestye assentethe that nothing shall be done to the prejudice of the title she pretendethe, with condition that sooche articles as shall be agreed be duly observed.
- (d) To be moved to withdrawe sooche exhibion [*sic*] and releef as she yeld to the semynaries and northen rebels ; and to notefye to the world by some publyck instrument her promise made in that behalf.
- (e) To signifye her Majestyes good acceptatyon therof.
- (f) To knowe what assueraunce she wyll gyve.
- (g) To knowe what kynd of lybertye she desierethe, and then her Majestye wyll take sooche resolution therin as she shall have caws, in reason, to rest satisfied withall.
- (h) The K[ing] her sonnes minde is to be knowen therin.
- (i) Referred to the K[ing] as before.
- (j) That yt shall be fyt that the commissioners be furnished with sooche letters from her Majestye.

¹ Cf. Document III printed above.

APPENDIX III.

MARY STUART'S LETTER TO BABINGTON.

17 July, 1586.

Prince Labanoff has maintained that there are inconsistencies in the official version of this letter which he explains by the assumption that certain interpolations were made in the letter which Mary actually sent to Babington, during the eleven days in which it remained with Thomas Phelippes. Certainly there does appear to be an inconsistency, but this inconsistency is not, perhaps, so great as Labanoff and those who agree with him would have us believe.

Mary in the first place, according to the official version of the letter, advises Babington to make full preparations for invasion from abroad and for rebellion at home before he attempts any thing further. "When your preparations both in England and abroad are complete," she goes on to say, "let the six gentlemen who have undertaken to assassinate Elizabeth proceed to their work, and when she is dead, then come and set me free.... But do not take any steps towards my liberation until you are in such force that you may be able to put me in some place of perfect security lest Queen Elizabeth should take me again and shut me up in some inaccessible dungeon." ¹ In the first place Mary assumes that Elizabeth will be disposed of before her release is attempted, in the second, that after her release Elizabeth will be alive and perhaps strong enough to work vengeance. This looks like an inconsistency certainly.

It is evident, however, that Mary, in these two apparently

¹ I quote here from Morris's summary of Mary's letter printed in *The Letter-books of Sir Amias Paulet*, p. 228.

irreconcilable statements, is looking at the situation from two different aspects. On the one hand, she is pointing out the way to success, on the other, she is considering the possibility of failure. She believed that in order to achieve success, Babington must first of all be assured of foreign aid and of domestic uprising. She wished to impress that fact upon his mind. Although she favored his scheme of assassination she did not wish him to think that a lucky pistol shot or dagger stroke would solve the whole problem. She knew that her enemies were strong in England, and she may very well have reasoned that the death of Elizabeth alone would not greatly assist her cause. For that reason, perhaps, Mary insisted upon the order of procedure which she had set down.

She went on then to point out to Babington the dangers involved in deviating from that order. Straightway her view point changed. She is now no longer contemplating success, she is contemplating failure. In her contemplation of it she may easily have assumed, what she did not expressly state, that Elizabeth would escape her murderers and be ready to take bloody vengeance. Mary had her own plan in her mind, and woman-like, she saw no virtue in any opposed plan. If her plan was followed,—very good, Elizabeth would die. If her plan was not followed,—well, in that case very likely the pistol would miss fire, or the dagger turn on a stay, or some other unforeseen contingency arise to spoil everything. Mary did not write these words or anything like them, but they may possibly express the process of her mind. What she did write was, strictly taken, an inconsistency, no doubt, but if we begin to argue that every inconsistent thing a woman has ever written is, ipso facto, a forgery, we shall have to reject many interesting and valuable historical documents. At all events, an inconsistency of this kind seems hardly sufficient, by itself, to establish proof of interpolation.

Mary's defenders think they have other proof. They bring forward a piece of paper written in the cipher used between Mary and Babington and endorsed in the hand of Thomas Phelippes, "The Postscript of the Scottish Queen's letter to Babington."

This paper, preserved among the Mary Stuart papers in the English Record Office, is short enough and important enough to be quoted in full. It runs as follows :—

“ I would be glad to know the names and qualities of the six gentlemen which are to accomplish the designment, for that it may be I shall be able, upon knowledge of the parties, to give you some further advice necessary to be followed therein ; as also, from time to time particularly how you proceed ; and as soon as you may, for the same purpose, who be ready, and how far every one privy hereunto.” (Printed in Tytler's *Scotland*, ed. Eadie, iii, p. 198.)

Now Mary's friends point triumphantly to the fact that this passage does not appear in the official version of Mary's letter to Babington. They quote moreover Camden's statement that a postscript had been added to Mary's letter in Walsingham's office.¹ On the basis of these facts they proceed to conclude that Phelippes, Walsingham's servant, intending to make an addition to Mary's letter to Babington in order to inculcate her in the murder plot, at first contemplated making this addition in the form of a postscript, but that he afterwards decided to insert the inculcating passages in the body of the letter itself. The paper in cipher which remains, they pronounce to be Phelippes' original draft of this postscript. Now it must appear that they have made large drafts upon their evidence in order to build up such an elaborate theory. It seems hardly likely, on the face of it, that Phelippes would have taken the trouble to endorse and to file away among his master's papers a memorandum which was never put to any use. Nevertheless, here the paper is and here also is Camden's statement. Both of these demand an explanation. Possibly an explanation may be found for them.

¹ Cf. Tytler's *Scotland* (ed. Eadie) iii, p. 376, n. 20. The passage in Camden, *Annals of Queen Elizabeth* (3rd ed. London, 1635, pp. 305-306) runs as follows :—
“ Thus were intercepted those former letters of the Queene of Scots to Babington, and his letter in answer to her, and another letter to him (wherein was cunningly added a postscript in the same characters that he should set down the names of the six gentlemen, if not other matters also). ”

It will be noticed, first of all, that the postscript does not contain the same material that appears in the body of Mary's letter. It is simply an inquiry as to who the gentlemen are who are to undertake the assassination and as to who are privy to Babington's plans. It is a question and it demands an answer. Suppose it had actually been attached to Mary's letter when it reached Babington's hands and suppose he had answered it? In that case he would have revealed, in his own handwriting, the names of his accomplices. One can readily appreciate how valuable such a statement would have been to Elizabeth's lawyers in preparing their briefs. It would not have affected Mary's case one way or the other, but it would have affected the case of Babington and his colleagues mightily. Mary's defenders seem to think that she was the only person involved. To Walsingham it must have been a matter of considerable importance to find out who were conspiring against Elizabeth's life and to be able to produce good evidence to prove their guilt. It is possible that this postscript may have been added to Mary's letter simply for the purpose of getting Babington to reveal his fellows. This would explain Camden's statement, it would explain the existence of the postscript itself, and it would also explain why no postscript appears in the official version of Mary's letter. If Mary did not write it, it would obviously have been a great mistake to have reproduced it in the copy of the letter used as evidence against her.

This theory of the postscript is worth considering, and there is some evidence at hand to support it.

Babington in his confession set down in considerable detail the contents of the letter which he received from Mary. His summary of it corresponds fairly accurately with the official version except at the very last. "She ended," Babington declared, "requiring to know the names of the six gent. that she might give her advice thereupon." (Calthorpe MSS. Vol. xxxi, f. 223.) From the official version of Mary's letter it is evident that she ended in no such fashion. But assuming that the postscript had been added, she would have ended just so. Babington's final statement is obviously

nothing more than a concise summary of the postscript under discussion. It seems fair to assume from this that though the postscript was not in Mary's letter when it came to Walsingham's hands, it was in Mary's letter when it reached Babington's hands. In a word, it had been added at Secretary Walsingham's office.

There is a passage in an unpublished letter of Walsingham's to Phelippes which goes far to confirm this view of the case. The letter was written on the 3rd of August. The burden of it is that Walsingham fears Babington will escape after all. "You will not believe," he writes, "how much I am grieved with the event of this cause, and fear *that the addition of the postscript* hath bred the jealousy" (Cotton MSS. App. I, f. 144). If we take "jealousy" in its ordinary sixteenth century sense of "suspicion," it is apparent that Walsingham means to say that he is afraid the addition of the postscript will have aroused Babington's suspicions. Here then, Walsingham practically admits that a postscript had been added to Mary's letter to Babington. Babington himself has shown in his confession that such a postscript was contained in his letter. Thos. Phelippes has providentially preserved the very draft of the postscript itself. It was directed not against Mary but against Babington and his confederates. For that reason it naturally does not appear in the copy of the letter produced against her at her trial.

In view of these facts, it is clear that the existence of Phelippes' draft of the postscript can hardly be used to support the theory that the original letter which Mary wrote to Babington was interpolated with matters to implicate her in the murder plot. While it is evident that Walsingham tampered with the Mary-Babington correspondence, it has yet to be proved that he added anything to their letters in order to implicate either Mary or Babington in a conspiracy in which they really had no part. Labanoff's theory of interpolation has no other ground to stand upon except the apparent inconsistency of Mary's letter itself. This alone does not seem to be sufficient to establish his case.

INDEX

A

- Abington, Edward, 43, 43 n.
 „ John, 43 n.
 „ Thomas, 43, 43 n.
 Africa, xxix.
 Alcazar, battle of, xxix.
 Allen, Dr, 84, 84 n., 86 n., 93.
 Alva, Duke of, 70 n., 71.
 Amiens, (Amyans), Bishop of, *see* Pellevé.
 Anguishe, *see* Angus.
 Angus, Earl of, 63, 100 n., *see* Douglas, Archibald.
 Arran, (Arreyne), *see* Hamilton; *see* Stewart.
 Arreyne, *see* Arran.
 Arundel, Charles, 72 n.
 Arundel, (Arundell), *see* Howard.
 Ashby, Robert, 103, 104, 107.
 Austria, Don John of, xxvii, xxviii, xxviii n., xxix, xxxiii.

B

- Babington, Anthony, conspirator, xxii, xxxii, xxxviii, xxxix, xxxix n., xl, 26, 27, 28, 29, 32, 33, 40, 41, 41 n., 42, 42 n., 43 n., 44, 45, 46, 50, 51, 52, 53, 57, 57 n., 58, 59, 61, 61 n., 75 n., 76 n., 77, 77 n., 78, 79, 80, 82, 82 n., 84, 85, 86,

- 87, 87 n., 88, 91 n., 92 n., 103, 129, 130, 131, 131 n., 132, 133.
 Ballard, (Ballarde), John, 29, 40 n., 41, 55, 55 n., 57, 57 n., 58, 61, 82, 84, 85, 87, 87 n.
 Bardon House, (Co. Somerset), x, xi, xlv.
 Barker, 4 n., 67.
 Barnaby, *see* Barnes.
 Barnes, (or Barnaby), Thomas, 28 n.
 Beale, Robert, 9, 12, 72 n.
 Bellenden, Sir Lewis, 100, 100 n.
 Berwick, 14 n.
 Beton, James, Archbishop of Glasgow, 63, 70, 76 n., 82, 93.
 Bishop, Thomas, 68, 68 n.
 Bothwell, *see* Hepburn.
 Bourgoing, D'., 65.
 Bowes, Robert, xxxiv n., 20.
 Brest, 49 n.
 Brittany, 49 n.
 Bromley, Thomas, 6.
 Brooke, William, Lord Cobham, 46.
 Brosse, baron de la, 12, 12 n.
 Brussels, 70, 70 n.

C

- Cecil, William, Lord Burghley, xxi, xxiv, xlii n., xlv, 1, 5, 15 n., 42, 43 n., 44, 46, 47, 48, 48 n., 49,

49 n., 50, 50 n., 51, 64, 66, 75 n.,
83, 87 n.
Chartley, 28, 49 n., 87, 91 n.
Châtelherault (James Hamilton),
Duc de, 13.
Chattleroy, *see* Châtelherault.
Colville, James, 20, 20 n.
Cobham, *see* Brooke.
Cleeve, Cistercian Abbey at, x.
Crofts, Sir James, 14 n.
Curle, Gilbert, xxxviii, xxxix, xl,
27, 28, 28 n., 33, 42, 43, 50, 87,
87 n.

D

Darbye, *see* Derby.
Darlye, *see* Darnley.
Darnley, Lord, *see* Stewart.
D'Aubigny, *see* Stuart.
D'Aubigny Plot, xlii.
Davison, William, 64.
Dawson, William, xlii.
Deepe, *see* Dieppe.
Derby, 31.
Dieppe, (Deepe), 13, 13 n.
Donn, (Dun), Henry, 42 n., 87,
87 n.
Douglas, Archibald, 99, 101, 102.
" George, xxxiii n.
" James, Earl of Morton,
xxx, 12, 16, 16 n., 21, 90.
Douglas, Richard, 99.
Dudley, Robert, Earl of Leicester,
10 n., 50, 50 n., 55.
Dudley, (Dudleye), castle, 39, 80.
Dumbarton, xix.
Dun, *see* Donn.

E

Edenborough, *see* Edinburgh.
Edinburgh Castle, 11, 100 n.
" (Edenborough, Eding-
burghe), treaty of, 2 n., 17, 67.

Edingburghe, *see* Edinburgh.
England, Kings of, Henry VIII,
xiv, xv.
England, Queen of, Elizabeth, xi,
xiii, xiv, xv, *and passim*.
England, Queen of, Mary, xiv.
Englefield, Sir Francis, 54, 55, 62,
76, 76 n., 81, 82, 83, 88, 93.
Elizabeth, *see* England, Queen of.

F

Fénélon, La Mothe, xxv n.
Fagot, Henri, xxxii.
Falkland, 99, 102.
Fitzmaurice, [Thos. Lord Kerry],
xxix.
Flanders, 69.
Fodrynhaye, *see* Fotheringay.
Fotheringay, (Fodrynhaye), xli, 49,
49 n., 51, 64.
France, xxviii.
France, king of, Francis II, xiv,
xvi, 13.
France, king of, Henry II, xv, xvi.
Francis II, *see* France, king of.

G

Germany, 70 n., 71.
Gifford, Gilbert, xxxviii, 28 n.,
74 n., 75 n.
Glasgow, Archbishop of, *see* Beton,
James.
Gorge, (Gorg), Thomas, 48.
Gorg, *see* Gorge.
Gowrie, *see* Ruthven.
Grateley, Edmund, 74 n., 75, 75 n.
Guise, (Gwise), Henri de Lorraine,
duc de, xxx, xxxi, xxxii, xxxii n.,
16, 20 n., 23 n., 54, 62, 63, 83,
89.
Gwise, *see* Guise.

H

- Habington, *see* Abington.
 Haller, 70 n.
 Hamilton, (Hamelton), Lord Claude, 56.
 Hamilton, James, Earl of Arran, 13, 13 n.
 Hamilton, Lord John, 84, 89, 92.
 Hamilton, John, 70, 70 n., 71, 71 n.
 Hamilton, family of, xix.
 Hampton Court, xx.
 Harwich, 73.
 Hatfield House, 4 n.
 Hatton, Sir Christopher, xiii, xiv, xiv n., xxxiv, xxxiv n., xxxv n., xlv, 17, 19, 21, 22, 22 n., 23 n., 24 n., 25, 41 n., 42, 44, 46, 47, 51 n., 52, 53, 66, 74, 77, 82, 88, 90 n., 94, 95, 103, 107.
 Henry II, *see* France, King of.
 Henry VIII, *see* England, King of.
 Hepburn, James, Earl of Bothwell, xxiii.
 Hereford, 43.
 Hertford Castle, 49.
 Higford, 4 n.
 Holdenby, (Co. Northants), 51.
 Holinshed, chronicles of, 97.
 Howard, Lord Henry, xxxii, n., 72 n.
 Howard, Philip, Earl of Arundel, 38, 78.
 Howard, Thomas, Duke of Norfolk, xxiii, xxiv, xxv, xxvi, xxxiii, 1, 2, 4, 15, 67, 72, 83, 114, 116, 117.

I

- Inglefield, *see* Englefield.
 Ireland, xxviii-xxix, xxx, 38, 61, 77, 79, 86, 89, 92, 113, 122.

J

- James VI, *see* Scotland, King of.

- Jersey, xxxvii.
 Johnson, 10 n.

K

- Kenilworth Castle, 52.
 Killigrew, William, 48.
 Killyngworth Castell, *see* Kenilworth.
 Knollys, Sir Francis, 15 n., 48.

L

- Lancaster, 31.
 Langside, battle of, (1567) xix.
 Leicester, *see* Dudley.
 Leigh, Robert, (1595), ix, xi.
 " " (1720), xi.
 Leigh, William, ix, x, xi.
 Leigh, family of, ix-xi.
 Lennox, *see* Stewart, Matthew.
 Leslie, John, Bishop of Ross, xx, 4 n., 14, 15 n., 67, 68, 68 n., 69, 69 n., 70 n., 72, 72 n.
 Lewis, Dr., 84, 84 n., 86 n., 93.
 Leviston, John, 68.
 Leycester, *see* Leicester.
 Lichfield, 32, 40.
 Lichfield, *see* Lichfield.
 Liège, 4 n.
 Lochleven, (Loughleven), 10 n., 14, 20 n.
 London. Tower the, xxiv, xxvii, 37, 41, 43 n., 80.
 " Tower Hill, xxv.
 " London Bridge, xxvi.
 " Westminster, 14, 42 n., 44, 51.
 " Cold Harbour (Coleherbert) Earl of Shrewsbury's house, 99.
 Loughleven, *see* Lochleven.
 Lützelstein, Prince of, 70 n.

M

- Maitland, William, of Lethington, xx, 103.
 Maitland, John, Lord, 99, 103, 104.
 Mar, Earl of, 100 n.
 Mary, *see* Scotland, queen of.
 Mary, *see* England, queen of.
 Maude, Bernard, 40, 40 n., 41, 41 n.
 Medicis, Catherine de, xvi.
 Melville, (Melwill), Sir Robert, 100, 100 n.
 Mendoza, Bernardino de, 35, 41, 55, 56, 56 n., 57 n., 60, 63, 77 n., 78, 81, 81 n., 82, 84, 86, 88, 88 n., 92, 93.
 Mildmay, Sir Walter, 49.
 Molland, (Co. Devon), xi.
 Moray, *see* Stewart, James.
 Morgan, Thomas, xxxvi, 27, 73, 73 n., 83, 85, 86 n., 88 n., 93 n.
 Morton, *see* Douglas, James.
 Murray, *see* Moray.

N

- Nau, Claude [? James] xxxviii, xl, 27, 28, 32, 33, 42, 43, 50, 54, 55, 77, 77 n., 87, 87 n., 89, 92.
 Netherlands, the, xxviii.
 Nevill, Charles, Earl of Westmorland, 2, 38, 78, 115.
 Norfolk Plot, xxiv, xlii, 4 n., 16 n., 68 n.
 Norfolk, Duke of, *see* Howard.
 North, rising in the, (1568) 4 n.
 Northumberland, *see* Percy.

P

- Paget, (Pagett), Charles, 38, 55, 55 n., 56, 58, 61, 72 n., 76, 76 n., 82, 82 n., 84, 85, 88, 88 n., 93.
 Paget, Thomas, Lord, xxxii, 38, 56, 63, 72 n., 79, 81, 81 n., 82, 82 n., 93.

- Paris, xxxvi, 16, 27, 70 n.
 Parma, Prince of, 58, 84.
 Parry, Dr William, xxxvi, xxxvi n., 66, 73, 73 n., 83, 86 n.
 Pasquier, (Pasquyre), Etienne, 42, 43, 43 n., 44.
 Pasquyre. *see* Pasquier.
 Patarro, [Laird of] 10 n.
 Paulet, (Poulet), Sir Amias, xxxvii, xxxvii n., xxxviii, 27, 43 n., 49, 49 n., 50 n., 51, 56.
 Pellevé, Nicholas de, Bishop of Amiens, 12, 12 n.
 Percy, Henry, Earl of Northumberland, 2, 38, 68, 68 n., 78, 115.
 Pheppes, Thomas, xxxix, 28 n., 64 n., 84, 84 n., 102, 129, 130, 131, 133.
 Philip II, *see* Spain, King of.
 Pius V, xv, xxix, xxx, xxxi, 3, 83.
 Poley, Robert, 32, 40 n., 41 n.
 Portugal, xxix.
 Poulet, *see* Paulet.
 Puckering, John, xxxv n., xxxviii n., 53, 86 n., 102, 103.

R

- Radclyffe, Thomas, Earl of Sussex, 48 n., 64, 115.
 Randolph, Thomas, 10 n.
 Rheims, 74 n.
 Ridolfi, Robert, xxv n., 2, 72, 73, 116.
 Ridolfi, Plot, xxiv, xxvii, xxxiii, xlii.
 Ridolphi, *see* Ridolfi.
 Rodolph, *see* Ridolfi.
 Rogers, Dr., 70 n.
 Rome, xxix.
 " 3, 70 n.
 " church of, 3.
 Ross, (Rosse), Bishop of, *see* Leslie.
 Ruthven, William, Earl of Gowrie 21, 21 n., 100 n.

S

- Sadler, Sir Ralph, 6, 23 n.
 St. Decuman, (Co. Somerset), x.
 Savage, (Savadg), John, 48, 48 n.,
 57, 74, 84, 87, 87 n.
 Scotland, King of, James vi, xliii,
 20, 20 n., 21, 21 n., 22, 100,
 100 n., 103, 104, 105 n., and
passim.
 Scotland, King of, James V, 112.
 „ Queen of, Margaret, xiv.
 „ Queen of, Mary, x, x n.,
 xiii, xiv, xv, and *passim*.
 Scudamore, John, xi.
 „ Robert, xi.
 Seaborn's House, 43.
 Sheffield, 91 n.
 „ (Shefeilde) Castle, 9, 91 n.
 Shrewsbury, *see* Talbot.
 Solway, xix.
 Somer, (Sommer), John, 72.
 Spain, King of, Philip II, xxviii,
 77 n., 91 n.
 Stafford, (Stafforde), 31, 39.
 Stewart, Henry, Lord Darnley,
 xix, 19 n., 67.
 Stewart, James, Earl of Moray, xx,
 15 n., 19 n.
 Stewart, James, called Earl of Arr-
 an, 21, 22 n., 100.
 Stewart, Matthew, Earl of Lennox,
 xxx, 20 n., 105 n.
 Stewart, Sir William, Col., 20, 20 n.
 Stuart, Esmé, Seigneur d'Aubigny,
 xxx, xxxi, xxxi n., xxxiii n., 21.
 Stukeley, Thomas, xxviii, xxix.
 Sussex, *see* Radclyffe.

T

- Talbot, George, Earl of Shrews-
 bury, xxxv, xxxv n., xxxvi, xxxvii,
 6, 7, 9, 12, 97, 98, 99.
 Throgmorton (Throckmerton),
 Francis, conspirator, xi, xxxii,

- xxxii n., xxxiv, xxxv, xxxv n., 10,
 10 n., 23 n., 53, 54, 54 n., 74,
 74 n., 75, 81, 83, 93, 93 n.
 Throgmorton, Thomas, 93 n.
 Throgmorton, Sir Nicholas, xxxiii,
 xxxiii n., 14, 14 n.
 Thynne, Francis, 97.
 Tichbourne, (Tychbourn), 87, 87 n.
 Tipping, 40 n., 41 n.
 Trent, Council of, 104.
 Tudor, Margaret, *see* Scotland,
 Queen of.
 Tychbourn, *see* Tichbourne.

W

- Walsingham, Sir Francis, xxvi,
 xxxii, xxxii n., xxxiii, xxxiv, xxxv,
 xxxv n., xxxvii, xxxviii, xxxix,
 xli, xlii n., 17, 23 n., 27, 28 n.,
 32, 40 n., 41 n., 43 n., 49, 50 n.,
 51, 54 n., 66, 75 n., 97, 128, 131,
 132, 133.
 Warr, Thomas, Lord de la, 1, 5, 6,
 65.
 Wales, North, 31.
 „ South.
 Washford, (Co. Somerset), x.
 Watchet, ix, (Co. Somerset), x.
 Westminster, *see* London.
 Westmorland, (Westmerland), *see*
 Nevill.
 Wilkes, (Wylkes), Thomas, xxxii n.,
 50, 51, 64.
 Wilkinson, Oswald, 4 n., 68, 68 n.
 Wilson, Thomas, 6, 65.
 Williton, (Co. Somerset), x.
 Windsor, Edward, 41 n.
 Woodstock, 49.
 Windsor Castle, (Wyndsor Castel),
 46, 47, 51.
 Wylkes, *see* Wilkes.

Y

- York, xx, 14.